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ABSTRACT

Statements, prepared statements, letters, and supplemental materials from a hearing to review proposed legislation for a national educational demonstration agreement for school restructuring are presented. The agreement gives schools greater flexibility in spending federal funds and more control over their educational programs. Topics of concern include vocational education, adult education, job training, special needs students, gangs, adolescent pregnancy, drug education, and disabled populations. (LMI)

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HEARINGS ON H.R. 3347, THE EDUCATIONAL PERFORMANCE AGREEMENTS FOR SCHOOL RESTRUCTURING ACT OF 1990

HEARINGS

BEFORE THE

SUBCOMMITTEE ON ELEMENTARY, SECONDARY, AND VOCATIONAL EDUCATION

OF THE

COMMITTEE ON EDUCATION AND LABOR
HOUSE OF REPRESENTATIVES

ONE HUNDRED FIRST CONGRESS

SECOND SESSION

HEARINGS HELD IN SOUTH BURLINGTON, VT, MAY 7, AND CARBONDALE, IL, MARCH 5, 1990

Serial No. 101-105

Printed for the use of the Committee on Education and Labor

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CONTENTS

Page

Hearings held in:

Carbondale, IL, March 5, 1990 1
South Burlington, VT, May 7, 1990 89

Statement of:

Baker, Marcia, Area Vocational Technical Center 161
Blanchard, W. Scott, Vermont Headmasters' Association 137
Bowman, Martha, Illinois Education Association, Springfield, IL 18
Burke, Marlene R., President, Vermont National Education Association 139
Carter, Evelyn, Special Education Advisory Council 144
Cotter, Mary, Illinois Learning Disabilities Association, Lincolnwood, IL 33
Davis, John, Superintendent of Schools, Anna-Jonesboro Community High School 43
De Boer, Virgil, Illinois Federation of Teachers, Springfield, IL 11
DesJardins, Charlotte, Coordinating Council for Handicapped Children, Chicago, IL 24
Dickson, Judy, Director of Vermont Developmental Disabilities Law Project 186
Doolen, Margie, Member, Illinois Coalition for Quality Vocational Education 77
Dunham, Bonnie, Parent, Merrimac, NH 197
Eaton, William, Department of Education Administration and Higher Education, Southern Illinois University 67
Farrar, Carolyn, representing: Bob Leininger, Superintendent, Illinois State Board of Education 4
Grimes, Barbara, Vermont State Representative 106
Hindman, David, Regional Superintendent of Schools, Williamson County 54
Hudson, Ralph, Danville Village School 164
Jamieson, Janet, Vermont Center for Educational Leadership Development 128
Lovall, Lawrence, Superintendent of Schools, Mt. Vernon, IL 50
Marshak, David, Addison Northeastern Supervisory Union 151
Mills, Hon. Rick, Vermont Commissioner of Education 91
Oates, Thomas, Superintendent of Schools, Marion, IL 71
Patten, Caryl, Parent, Bedford, NH 199
Robins, Patrick, Member, State Board of Education 119
Saudek, Karen, Cabot Cooperative Creamery 122
Schnare, Gordon, Westminster School 156
Sylvester, Joan, Executive Director, Association for Retarded Citizens 181
Van Buiten, Greg, Attorney, Burlington, VT 203
Villa, Richard, Director of Instructional Services and Staff Development, Winooski School District 178
Webb, Thomas C., Central Vermont Public Service 123
Wolk, Hon. David, Vermont State Senator 93
Wood, Hon. Barbara, Vermont State Representative 113

Prepared statements, letters, supplemental materials, et cetera:

Advocacy Associates of Northern New England, Inc., prepared statement of 206
Baker, Marcia, Area Vocational Technical Center, prepared statement of 163
Blanchard, W. Scott, Vermont Headmasters' Association, prepared statement of 138
Burke, Marlene R., President, Vermont National Education Association, prepared statement of 141
Carter, Evelyn, Special Education Advisory Council, prepared statement of 146

Page

Baker, Marcia, Area Vocational Technical Center, prepared statement of—Continued

Cotter, Mary, Illinois Learning Disabilities Association, Lincolnwood, IL, prepared statement of 35
Davis, John, Superintendent of Schools, Anna-Jonesboro Community High School, prepared statement of 46
De Boer, Virgil, Illinois Federation of Teachers, Springfield, IL, prepared statement of 13
DesJardins, Charlotte, Coordinating Council for Handicapped Children, Chicago, IL, prepared statement of 29
Dickson, Judy, Director of Vermont Developmental Disabilities Law Project, prepared statement of 190
Doolen, Margie, Member, Illinois Coalition for Quality Vocational Education, prepared statement of 78
Eaton, William, Department of Education Administration and Higher Education, Southern Illinois University, prepared statement of 69
Grimes, Barbara, Vermont State Representative, prepared statement of 108
Hindman, David, Regional Superintendent of Schools, Williamson County, prepared statement of 57
Hudson, Ralph, Danville Village School, prepared statement of 166
Jamieson, Janet, Vermont Center for Educational Leadership Development, prepared statement of 132
Leininger, Bob, Superintendent, Illinois State Board of Education, prepared statement of 6
Lovall, Lawrence, Superintendent of Schools, Mt. Vernon, IL, prepared statement of 53
Marshak, David, Addison Northeastern Supervisory Union, prepared statement of 154
Oates, Thomas, Superintendent of Schools, Marion, IL, prepared statement of 73
Patten, Caryl, Parent, Bedford, NH, prepared statement of 200
Schnare, Gordon, Westminster School, prepared statement of 158
Sylvester, Joan, Executive Director, Association for Retarded Citizens, prepared statement of 184
Villa, Richard, Director of Instructional Services and Staff Development, Winooski School District, prepared statement of 180
Wolk, Hon. David, Vermont State Senator, prepared statement of 96
Wood, Hon. Barbara, Vermont State Representative, prepared statement of 114

HEARING ON H.R. 3347, THE EDUCATIONAL PERFORMANCE AGREEMENTS FOR SCHOOL RESTRUCTURING ACT OF 1990

MONDAY, MARCH 5, 1990

House of Representatives,
Subcommittee on Elementary,
Secondary, and Vocational Education,
Committee on Education and Labor,
Carbondale, IL.

The subcommittee met, pursuant to notice, at 9:00 a.m., in the Student Center, Southern Illinois University, Carbondale, Illinois, Hon. Glenn Poshard presiding.

Members present. Representatives Poshard and Smith .

Majority staff present. Diane Stark, legislative specialist.

Minority staff present; Beth Buehlmann, education coordinator.

Mr. **Poshard.** The Education and Labor Committee's Subcommittee on Elementary, Secondary, and Vocational Education's hearing on the Educational Performance Agreement Bill is called to order.

I would like to thank my friend and colleague, Peter Smith of Vermont, for coming here to Southern Illinois to hear what our teachers, our superintendents and others concerned and involved with education have to say.

To all our witnesses, I look forward to your testimony, and I truly thank you for taking time out of your busy schedule to be with us here today.

When Congressman Smith and I first talked about the concept of legislation which would give schools, both greater flexibility in spending their Federal funds, and more control over their educational program, I was extremely interested.

Peter Smith and I are both educators. We have been teachers and administrators, and we know the challenges and frustrations of both groups. We know there is too much paper work out there, both at the Federal level and state level.

Since Congressman Smith and I serve in Congress, we are concentrating on improving education from the Federal level. He and I both believe that teachers, superintendents, principals, parents and public officials working together can, and will, improve the quality of our schools.

Our proposal to change the status quo for Federal educational funding has created a lot of discussion. Many are excited about it and recognize it as a fundamental change in our Nation's educational system.

Others worry that the performance agreements may hurt the same students which Federal education programs are designed to serve.

If there is one thing which I would like to make absolutely clear, it is that neither myself Congressman Smith nor I would ever want to be associated with legislation which would hurt those students who most need the benefits of education.

My personal goal is to improve the quality of American education in whatever way I can, and I believe this bill is a step in the right direction. As we continue the process of improving and developing this bill, we will work with any group which has concerns about the bill's effects on special populations of students.

We want this bill to be effective, and we want it to be workable. Your comments here today will help us further refine our proposal. Again, the Chair would like to thank the witnesses for being here.

Before we begin with a discussion of the bill by our witnesses, I would like to introduce to you a very good friend and a close colleague of mine, and someone that I have enjoyed serving with. We both came into Congress during this last class. We are both freshman. And, we both serve on the Education and Labor Committee.

In fact, we were both born on the same day in the same year, so Peter and I have more than just educational interest in mind, and I am very thankful that Peter is here with us in Southern Illinois this morning. Congressman Peter Smith, for an opening statement.

Mr. PETER SMITH. Thank you, Congressman Poshard. I will lead, attempting to continue on with that list, but I do not know if we can continue much farther. Let me just tell you all that it is my pleasure to be here, and be on this beautiful campus of a first rate university on such a beautiful day.

And, to be here with your representative who, although, because of the nature of politics being what they are from time to time, we have to square up on opposite sides of an issue, but far more frequently we find ourselves working together. And, I would associate myself one hundred percent with the comments that Congressman Poshard has made this morning.

Really, my interests, and intentions as we began to craft, and continue to craft, H.R. 3347, Glenn and I working together on it, was simple. We need to begin a conversation at the grass roots level about how to make schools better.

Last week, as a case in point, the National Governors Association rode into town in Washington, and by the time that they had finished they had voted on higher and more ambitious goals for America's schools.

I happen to endorse that process, I think it is something that needs to happen, but it leaves starkly, before anybody who is looking, another question, which is: "How do we get from where we are to where we want to go?" in ten years, or twelve years or eight years, or however many years you want to put it. How do we get from here to there is the way we put it at home.

I happen to think that that is going to come down to what I now call the new three R's in education: restructuring, reform and resources.

Congressman Poshard and I are, through this bill, creating a conversation, a dialogue, a debate, whatever you want to call it about school-based reformers in every one of our communities in this country eventually.

And, it is in that spirit that we have come out here today, and I would simply say, I am sure there is no one in this room who would disagree with the notion that schools must do a better job. That, despite our best efforts as a country, as communities, as individuals, we know that our schools simply have to do a better job for students.

And, that is the spirit that I am sure brings you here, and brings us here, to try to forge a national policy for a local problem. In fifteen thousand some odd school boards around the country, and so on and so forth.

So, I am delighted to be here, and looking forward to hearing the testimony.

Mr. **Poshard**. Thank you, Congressman Smith. Before we get on to the witnesses, I would like to take this time and opportunity to thank Southern Illinois University for hosting this hearing, for hosting us this morning at a breakfast at which we had some lively discussions around the basis of this bill.

And, I would like to introduce to you President John Guyon, who is here, cannot stay long, but President Guyon came by to greet us, and we thank you, sir, for this, and we thank Chancellor Petit and the university. Also, on Dr. Guyon's staff, Susan Morris and Garret Deakon are here, or are they outside?

There is Susan Morris, over here, who works for the university, between the university and Washington, DC, on several issues.

I would also like to introduce to you the staff that we have with us here today, that have worked with us on this bill, and can help us answer questions, and so on, as we go along, if need be.

The majority staff person for the Education and Labor Committee is with us, Diane Stark. Diane can you identify yourself. The minority staff member for the Education and Labor Committee, Beth Buehlman is here. Beth, right over here.

And, my two staff people who have put in some long and rather arduous hours on this bill, and other things to help us get going, Steve Ball, our legislative director from our Washington office. Steve is a native Illinoisan, although not from this area, and Tim Martin who is from West Frankfort, who is also on our legislative staff, and has worked very hard on this bill.

We also have with us Mr. Frank Shokunbi, who is the Federal court reporter, and is seated over here very busily taking notes as we go along.

So, we thank all of you for being here, and at this time we will call our first panel of witnesses. Ms. Carolyn Farrar, representing Bob Leininger, the Superintendent of the Illinois State Board of Education. Ms. Martha Bowman, representing the Illinois Education Association, and Mr. Virgil De Boer, representing the Illinois Federal of Teachers, from the Springfield IFT office.

So, if those folks would come forward. Our first witness is, forgive me if I pronounce the name wrong, Carolyn Farrar?

Ms. **Farrar**. Farrar.

Mr. **Poshard**. Farrar. I am very sorry. Carolyn Farrar representing the Illinois State Board of Education.

STATEMENT OF CAROLYN FARRAR, REPRESENTING: BOB LEININGER, SUPERINTENDENT, ILLINOIS STATE BOARD OF EDUCATION

Ms. **Farrar**. Good morning. And, on behalf of the Illinois State Board of Education, and Superintendent Robert Leininger, I would like to welcome you to Illinois. I am Carolyn Farrar, Manager of Remediation and Intervention Programs at the State Board of Education, which includes several State and Federal programs for "at risk" children.

We appreciate the opportunity to respond to the latest draft of the Education Performance Agreements bill. School restructuring, and school accountability have received much needed attention over the past decade. The "nation at risk" report which was published a few years ago defined our country at risk, and unfortunately, we are still at risk.

As Senator Smith has pointed out, most educators, parents and community members recognize the need to restructure the Nation's schools to address the unique learning needs of all students more effectively and efficiently.

I think we all agree that the idea of restructuring schools to improve education is not new. Illinois, along with many other states, has been exploring a variety of ways for districts to measure and improve student's performance, teachers' effectiveness, school climate and the use of resources at the school level.

One barrier, we feel, here in Illinois, is to the many of these restructuring efforts has been the lack of flexibility within the use and administration of Federal and state funds. This bill is one attempt to address this barrier.

While I do have some specific concerns and comments about the bill, I would like to first present a framework for making them and discuss some of the principles which must underlie any restructuring effort that takes place in the schools.

We see that there are two basic kinds of change: those viewed for school improvement, and those based on design issues. School improvement issues, or improving the efficiency and effectiveness of what is done constitutes one type of change. Design or structure is yet another.

Many of the changes in Illinois since our 1985 push for reform have been around school improvement. They define the purpose of schooling. They talked about what students should know and be able to do.

They have mandated teacher certification issues, and teacher certification tests, the school report cards and required regular evaluation of school personnel, legislation to establish higher graduation requirements and initiative to accelerate student learning.

Other initiatives on design change we are just beginning. With such areas such as The Coalition of Essential Schools and our efforts in urban education.

Most of these issues, and most of our reforms, have sought to tackle within the existing structure. And, we feel that change cannot be mandated upon our schools. And, we have looked at various ways in which we feel change can be affected within public schools within Illinois.

And, we have embarked on several experiments as to what can be done. Among some of these, which I would just like to briefly mention, have been the Illinois Network of Accelerated Schools, The Coalition of Essential Schools, Improvement of Chapter 1 Programs, as based on the Hawkins-Stafford Amendment which we have found to have effected greatly public school programs and building level programs.

The Urban Education Partnerships Grant which has been an exciting endeavor in Illinois. And, a new program on the horizon, called School Improvement Funds, which will provide, if approved, approximately two million dollars, which will provide initiatives within schools which will be based on effective schools research.

In respect to the content of the bill, many of the principles and beliefs Illinois has espoused appear to be inherent in it. It is particularly critical that the focus of the bill is for demonstration purposes to collect solid evaluation data, which may result in an improved education system.

Many communities have struggled to gain protections which cannot be dismissed. Services and procedural safeguards for students who are handicapped and disadvantaged must be protected. Membership on the local Educational Performance Committee should be specified so that representatives from the various entities affected are included.

This will assist in assuring collaboration and allow a vehicle to address potential concerns or problems with the various constituencies.

We have two concerns with the premise that this bill establishes a three way partnership. First is the role of the Secretary in solely determining termination of the Education Performance Agreement. If this partnerships truly exist, the ultimate decision must rest with all parties.

Second is the failure of the Federal Government to share financially in this enterprise.

Again, while calling for a three way partnership among Federal, state and local education agencies to address the issue of flexibility in Federal and state rules to improve educational performance, the Federal Government fails to make any financial commitment. Instead, it relies totally on state and local education resources, thus abrogating the Federal responsibility to be an equal partner.

If revisions that address the above concerns, or the concerns I mentioned, were made, the bill would have the whole-hearted support of the Illinois State Board of Education.

Thank you.

[The prepared statement of Bob Leininger follows:]

Testimony to the Subcommittee on Elementary, Secondary and Vocational Education on House Resolution 3347, Educational Performance agreements for School Restructuring Act

March 5, 1990
Southern Illinois University, Carbondale

Submitted By:
Robert Leininger
State Superintendent of Education
Illinois State Board of Education

On behalf of the Illinois State Board of Education and State Superintendent Leininger, I would like to welcome the Subcommittee to Illinois. We appreciate this opportunity to respond to the latest draft (February 8, 1990) of the Education Performance Agreements bill. School restructuring and school accountability have received much needed attention over the past decade. The "nation at risk" identified in the historic document by the National Commission of Excellence in education continues to be at risk. As Senator Smith has pointed out, most educators, parents and community members recognize the need to restructure the nation's schools to address the unique learning needs of all students more effectively and efficiently. Increased numbers of students are failing to learn adequately within our present system are experiencing changing family structures and are failing to graduate or are graduating without basic knowledge, values, skills and attitudes. The development of separate systems, e.g. special education, Chapter 1, vocational education, has fragmented the resources and services necessary for a unified educational system. These are just some of the reasons, along with heightened international competition, for changing the current system.

The idea of restructuring schools to improve education is not new. Illinois, along with many other states, has been exploring a variety of ways for districts to measure and improve students' performance, teachers' effectiveness, school climate and use of resources at the school level. One barrier to many of these restructuring efforts has been the lack of flexibility in the use and administration of federal and state funds. This Bill is one attempt to address this barrier. While I do have specific concerns and comments about the Bill, I would first like to present a framework for making them and discuss some of the principles which must underlie any restructuring effort that takes place in our schools.

The issues facing public schools can be viewed as school improvement and design issues. School improvement issues, i. e. improving the efficiency and effectiveness of what is done, constitutes one type of change. Design or structure is yet another. Many of the changes in Illinois have been directed toward school improvement, e. g. 1985 reform package initiatives. They defined the purpose of schooling and what students ought to know, mandated teacher certification tests and school report cards, and required regular evaluation of school personnel, legislation to establish higher graduation requirements, and initiatives to accelerate student learning. Other initiatives such as The Coalition of Essential Schools and the Urban Education Initiative have addressed both types of change--structural design and school improvement.

Most of these reforms sought to make the existing system more productive without disturbing the existing school structure. The Essential Schools program is one example of the attempt structural change. Some argue that if structural change is to occur, basic social and political changes would need to occur outside the school. What is most important is that we must be able to define the goals of proposed change, the barriers to implementing the change, and the resources and commitments necessary to make them. Our premise is that change cannot be mandated. People must see the value in change and be allowed the freedom to change what they deem necessary. No two schools are alike; each reflects a unique nature and character which may change from year to year.

Our position has been that there is no single model of a good school. Some of the efforts including those referenced earlier with which Illinois is involved are described below.

Illinois Network of Accelerated Schools

This network, composed of 25 elementary schools serving large populations of at-risk students, is experimenting with building-level restructuring of decision making, curriculum, and the school day. Accelerated schools are based on the concept developed by Henry Levin of Stanford University which uses a variety of instructional strategies to accelerate the learning of students in the regular classroom. The focus is on the school as a whole, rather than a particular grade, curriculum, teacher training method or other limited strategy.

Coalition of Essential Schools

Illinois has made a five-year commitment to participate in the Re:Learning Pilot Project. Ten high schools have been engaged in planning over the past five years based on a common set of principles that guide their programs. These include an intellectual focus, simple goals, universal goals, personalized teaching and learning, students-as-workers, diploma by exhibition, attitude of unanxious expectations, staff as generalists first and specialists second, and a budget which does not exceed that at traditional schools by more than 10%. These principles are further defined in Attachment A, Leadership for the Illinois Alliance is drawn from the legislators, the Governor's office, and education and professional organizations.

Improvement of Chapter 1 Services

Emphasis has been placed on the integration of delivery of Chapter 1 services with planning for total school improvement. A massive series of Chapter 1 program improvement workshops have been launched over this past year. The workshops have covered such topics as program congruency, higher order thinking skills, reading and math. We have also identified districts which have not demonstrated program effectiveness/adequate student achievement. Program improvement plans have been written to alleviate these.

Urban Education Partnership Grants

One indicator of the success of the School Reform Program is our ability to improve the education of students residing in urban communities. The difficulties faced by these students are well-known: absenteeism, truancy, teen pregnancy, drug and substance abuse, and low expectations and self-concepts. Sixteen schools have entered into grants with the state agency to address these problems. In each, the building principal is the project director. All grants have a partnership with an external agency that assists them in the successful completion of their projects. The goal is systemic changes leading to the improvement of academic achievement for students in urban schools. The guiding principles which govern the strategies and programs include collaboration, networking and partnerships among school, business, government, social organizations and community groups; objectives which support effective school research; and programs which support and enhance educational equity.

School Improvement Funds

The State Board of Education has added a new line item in its budget for next year which, if approved, will make more than $2.4 million available to provide improvement/restructuring, planning for local choice options and technical assistance grants to local school districts.

Each of these restructuring efforts has been guided by a set of beliefs or principles. Common among them are that:

1. Education is an integral part of life, a preparation for independent and productive life experiences.
2. General and special educators share responsibility for the education of all students and that this helps insure a quality educational experience.
3. All students can learn and contribute. No two students are alike, nor do they respond to similar motivations. Teaching and learning must be personalized.
4. Student groupings of the total school population contribute to everyone's learning.
5. All students and school personnel have the capacity and the responsibility to participate in the educational process of all students. People must feel a sense of authority in order to assume this responsibility.
6. The individual school should be the site for change. School-based governance should include students, educators, parents and the broader community in significant school decisions.
7. The school must have a clear mission statement and a set of goals and expectations for students, parents, and staff with respect to the purpose of school and its activities.
8. The assessment system must be for the purpose of providing accountability and diagnostics for improving instruction.
9. Greater availability of instructional time must be provided by using alternative pacing and teaching strategies, e.g. cooperative learning, peer tutoring, etc., and insuring that any strategy used is culturally compatible and responsive to the target population.
10. Strong instructional leadership must be provided.
11. A stable and orderly school environment must exist.
12. All learners must have equal access and opportunity.

In respect to the content of this Bill, many of the principles and beliefs Illinois has espoused appear to be inherent in it. It is particularly critical that the focus of the Bill is for demonstration purposes to collect solid evaluation data which may result in improved education systems. Many communities have struggled to gain protections which cannot be dismissed. Services and procedural safeguards for students who are handicapped and disadvantaged must be protected. Membership on the local educational performance committee should be specified so that representatives from the various entities affected are included. This will assist in insuring collaboration and allow a vehicle to address potential concerns/problems with the various constituencies.

We have two concerns with the premise that this Bill establishes a three-way partnership. First is the role of the Secretary in solely determining termination of the education performance agreement. If this partnership truly exists, this ultimate decision must rest with all parties. Second is the failure of the federal government to share financially in this enterprise. Again, while calling for a three-way partnership among federal, state and local education agencies to address the issue of flexibility in federal and state rules to improve educational performance, the federal government fails to make any financial commitment. Instead, it relies totally on state and local education resources, thus abrogating the federal responsibility to be an equal partner.

Good education involves contacts with humans, accepting defeat and trying again with creativity, persistence and imagination. That is why we must be willing to take risks which will take our nation from one at risk to one that is productive, competitive and effective. Many may view this Bill as one such risk; however, it is a risk we cannot afford to refuse. If revisions that address the above concerns were made, the Bill would have the whole-hearted support of the Illinois State Board of Education.

Mr. **Poshard**. Thank you, Ms. Farrar. We will engage in questions and so on, Peter, after all the witnesses on this particular panel have spoken. We will go to Mr. De Boer at this time.

STATEMENT OF VIRGIL DE BOER, ILLINOIS FEDERATION OF TEACHERS, SPRINGFIELD, ILLINOIS

Mr. **De Boer**. Congressmen Smith and Poshard, I welcome the opportunity to speak with you this morning.

Not only, obviously, is this a very important issue, but as a Field Service Director with the Illinois Federation of Teachers, and working in Southern Illinois, it makes the task of speaking with Congressman Poshard much easier, because I know very much that he is a friend of education, and I know that Congressman Smith would not be sitting next to him if he too were not a friend of education, so we feel quite comfortable with that.

The Illinois Federation of Teachers feels that the premise of the bill is outstanding, and then, you know there is always a pause after one says that. We think more local control over expenditure of funds, coupled with restructuring of the learning process is a very good goal.

We do feel there are three areas of concerns that we feel need to be addressed, and you have already mentioned a couple of those ares.

One of them, we feel more emphatic safeguards to prevent robbing Peter to pay Paul must be built into the bill. Those monies presently restricted to special populations must be protected. Those "at risk" children that are socially, economically, physically or mentally disadvantaged must not lose their funds to other programs.

Also, although we embrace restructuring, some protection must be provided for current Federal programs that are, in fact, in place because of much research, and it shows they are needed.

Frankly, it is too bad that being innovative must have an ulterior motive or incentive along with it. I would hope that we would do this without the carrots hanging out there. But, being innovative is very difficult due to the difficulties that arise with dealing with people, and doing something different, because people have a lot of problems with change.

Also, it is very difficult to be innovative, or to restructure, if you have to run downtown to explain every change. Reform, restructuring, whatever the buzzword this year, has not been implemented in many schools due to the barriers.

This has been around for seven years and you can count on one hand, probably, the number of districts that have gone forward with it. Is the carrot in H.R. 3347 large enough to encourage school districts to take on the fight on all fronts? We think not. Granted, money is not the only answer to the woes of education, but it is a necessary part.

The process of spreading even thinner the present funding is not the answer either. If I might give a very poor analogy.

If I were to come to you gentlemen, and give you a grant to buy new tires for your automobile, but in that grant I stated that you could only buy a left front tire with it, if I gave you sixty dollars you could get an adequate tire for the left front. If I take the restrictions away and say you could buy a left front or a right front, you may get two mediocre tires for the left and right.

If I took all of the restrictions away, you would get four very mediocre tires. So, whatever program you are working on here, you may have one good program, and three bald tires. And, I think that we will have to look at what will happen from the monies from that standpoint.

In conclusion, the IFT feels if given adequate protection for the special population children, as well as protection for the productive Federal education programs, and if a more tangible incentive can be found, the bill merits support. Most importantly, it would relieve the weight of many rules and regulations which retard innovation. Thank you.

[The prepared statement of Virgil De Boer follows:]

IFT

Illinois Federation of Teachers

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March 5, 1990

CONTACT PERSON:
MARGARET BLACKSHERE

It is a pleasure to be here today to discuss with you a topic of mutual concern and of national importance. I am referring to the great challenge of how to encourage state and local efforts at educational innovation and restructuring.

Our schools today are organized along the principles of an industrial factory system and are not responsive to the diverse needs of students or of society at large. In a word, many of the schools are failing, and the public is growing impatient. At the same time, it is not entirely clear how schools should be organized. We know that there should be much greater opportunity for school-site decision making, for collaborative decision making among the administration, teachers and other staff, and for incentives that will spur schools to develop innovative approaches to learning. We know that schools may need to borrow some of the positive aspects of a competitive market system. Yet, there is little real opportunity for innovation, for experimentation, to discover and test new modes of schooling.

state and federal regulations, which constrain attempts at restructuring and drain good people of their enthusiasm.

I would like to comment on H.R. 3347, a bill sponsored by Representative Peter Smith, and others, which proposes to encourage local school efforts at restructuring. Mr. Smith's bill would allow local school systems to pool the funds from a variety of programs and set aside some of the regulations that those funds ordinarily entail. Upon completion of an agreement between the local school system, the state, and Secretary of Education, which would stipulate alternative rules and performance objectives, the school system would be given six years to plan and carry out its experiment. If the school system consistently fails to meet its agreed-to performance objectives, its license to innovate would be revoked.

H.R. 3347 correctly attempts to maintain existing protections for civil rights, safety, and against private misuse of public funds. It also attempts to establish accountability by requiring schools to meet their own performance objectives and by incorporating periodic state evaluations of progress. Most importantly, it would relieve the weight of many rules and regulations which retard innovation. And, there is some incentive for undertaking the burden of change -- in the form of increased freedom and the likelihood of additional state funding. All of this is positive and worthy of support.

H.R. 3347 also raises some concerns. To begin, increased funding is not the solution to our educational problems, but it is a necessary part of the solution. I have elsewhere criticized President Bush's proposal for Merit Schools as attempting to spread a modest level of financial incentives much too thinly. Given the amount of inertia in our school systems, I believe significant change is going to require large carrots. So, while the lifting of some regulations and rules is necessary to remove impediments to restructuring, real change will very likely require meaningful financial incentives. H.R. 3347 does not envision an infusion of significant financial incentives.

The mingling of funds at the local level is essentially the formation of a local block grant. During the last decade block grants were often offered at the federal level as a means of consolidating federal spending. This is sometimes desirable, as it provides funding in more meaningful amounts and allows greater flexibility in the use of the funds. However, block grants can also be mischievous. They can lead to neglect of the important federal purposes for which programs were first enacted, and they can serve as a wedge for destroying public support for those programs. However, that is not the purpose here. Yet, as I read H.R. 3347, there is no limit on the extent to which existing programs could be consolidated for purposes of restructuring. Although billed as a national demonstration program, the bill could rapidly transform most of the large education programs. As strongly as I embrace the concept of restructuring, I believe we must offer some protection to current federal education programs that were so laboriously enacted.

A related concern brings to mind the events recently unfolding in Chelsea, Massachusetts. In that beleaguered city the school committee turned over the public schools to a private entity, Boston University, and in the process greatly reduced public accountability and the impact of law and regulations. Such a transfer of authority could be very tempting in many locales, as it allows public officials to evade responsibility. This type of mistake must be proscribed in H.R. 3347. With the concurrence of a few national officials, many of whom promote privatization in the form of vouchers, tax credits, and other means, this bill could inadvertently become an engine for setting aside regulations, consolidating funds, abrogating existing contracts, and contracting out essential school services. Appropriate proscriptions against removing services from the school system must be included in the bill.

A final concern which I will mention is one of adequate protection of the special populations and purposes now served by the categorical programs that could be consolidated under H.R. 3374. It seems only right that in some aggregate sense the services rendered should not be diluted, particularly in favor of other groups or purposes. Service to populations with special needs is the central principle of federal education programs and should not be abandoned. However, encouraging innovation and restructuring in schools is also clearly an important national concern and should be a focus of federal policy.

Assuming that adequate protections can be included in

H.R. 3374, that the extent to which the consolidation of programs is allowed can be appropriately defined, and that meaningful guarantees against the privatization of public

schools can be included, then I believe it is a bill which warrants support. I am confident that it addresses one of the principal barriers to positive change in the schools, the weight of restrictive regulations and rules, and for that its sponsors are to be congratulated.

Thank you for this opportunity to testify today. I will be happy to answer any questions, and I look forward to working with you in our mutual endeavor to produce the kind of school systems that our great democracy truly deserves.

Mr. Poshard. Thank you very much, Mr. De Boer, for that testimony. We have with us Martha Bowman who is representing the Illinois Education Association, but Martha, it is my understanding that Ray Althoff sent word that he could not make it here at the last moment, and he was scheduled to testify. So, it has kind of left you in the lurch.

Is there anything you would want to say at this point in time?

STATEMENT OF MARTHA BOWMAN, ILLINOIS EDUCATION ASSOCIATION, SPRINGFIELD, ILLINOIS

Ms. Bowman. I am a teacher in Special Education Department at Marion High School, and I am also on the Board of Directors of the Illinois Education Association. And, I was contacted very late last week and asked to be here in place of Ray Althoff.

I am here on behalf of NEA and IEA. But, we do not have in our possession, at this moment, enough information to formulate a position, and at this time, we will take no position.

Mr. Poshard. Okay. Thank you for that. We will begin some questions then, and hopefully some open discussion on this.

Our purpose for having these hearings is to simply get some feel for what the people in education think about this bill, or what the bill is proposing. It is not to say that we do not want to make changes, we are trying to find a workable solution here to what we have discerned is a problem.

I know, in all the years I worked, in all the years I worked in education, and still in the years I have been in the political arena, the constant refrain I hear when I am travelling throughout my district from people in education is that you're tying our hands with too many mandates, we have so many rules and regulations we can not keep up with everything, and yet for every mandate you make, you send us nothing to carry it out with.

You say, we will control the agenda at the Federal, or the state level, but you guys at the local level raise the money to get the job done.

Well, if that is a real problem, and if that is one of the problems we face, how can we solve it? What can we do to solve that problem?

Is the idea of creating a more flexible decision making process for you in the way Federal funds are handled for the student populations that you serve, is that a reasonable debate in which we should engage? That is the question we are here to discuss, and that is what we would like to begin on at this point in time.

Peter, I will leave it with you to begin the questioning of these particular witnesses.

Mr. Peter Smith. What I will do, I think, is direct my questions to Carolyn and Virgil, if I could call you by first names, and let you pick up on anything you feel comfortable with. Because I understand you are sitting here wondering what to do, so I do not want to put you in a situation that is not comfortable for you.

If you see something, and you want to jump in, please do it.

Ms. Bowman. All right.

Mr. Peter Smith. I think the thing that I would like to zero right in on, because there is an element of agreement between what the two of you have said. With the exception, caveats, they are more than caveats, of protecting legal safeguards, protecting existing Federal program intentions, in those programs that work.

I think we all know the programs that we are thinking about. We are talking about Education of the Handicapped, Chapter 1, and bilingual education. I could make a list, and there happens to be a list of bills.

And, with the exception of resources, or whether the Federal Government should put in money or not, and I will try to address that at some point, that this is headed in the right direction, we have got the boat going in the right direction, what we have to do now is figure out how to steer it and make sure it gets where we want it to go, it does not do something else.

The concern, and I am trying to think of a good example that would lead me to the question. You could help us with the apparent contradiction between allowing a school district, or an individual school, or a subset of teachers within an individual school, to make a proposal about how they would do business differently, so that their students could learn better and more.

I agree with you, the system is inherently conservative. We have designed it that way, we have always wanted it to be that way, and it is enormously difficult to move it within a school, or to move a whole school district, or a whole state, is almost more difficult.

If, in fact, five teachers—we wanted to write a bill which will allow, I am creating a situation as I sit here—five teachers, some of whom teach Chapter 1 students, some of whom teach Special Needs students and some of whom teach regular classroom students.

So, we have three populations, and they have a vision of how to, across those disabilities and handicapping divisions, put those kids together in a program that they think, and it may be across age lines, to cross-age them, to create a different kind of curriculum that the five of them might teach together, that they think will stimulate significantly more learning.

They still have to go through the IEP, or they still have to do all of the things they have to do, because parents must be involved in determining whether they want them to do.

What currently are the barriers that prohibit that from happening, and how would you help us in languaging this bill, that would write the bill so that it protects the rights of parents and children?

But flexible enough so that those five teachers who have a vision of how they think they could do their work better, can engage with parents, and engage with their administrative personnel, and create a piece of curriculum for, let us say, 60 or 100 kids that would be much better, that they would be willing to be held accountable for.

That is the riddle we are after, and I am not sure that we have got the language quite right.

Ms. **Farrar**. Well, I do not know if I have a solution, but I think there are steps that are leading in that direction. I think with some of the changes that have occurred with Chapter 1 re-authorization, we have now had a melting together of Chapter 1 and regular education, which I do not believe has happened in the last 20, 25 years of the program.

This has been an exciting venture for schools in our state, and Chapter 1 happens to be a program I am responsible for. We bring both the teachers of regular education and Chapter 1 together in a unified effort for those people to plan programs that are effective, cause the goal is to get these children back on track and functioning well within the regular program.

A similar initiative is going on in special education, where they are at issue, where they are basically doing the same thing. I think what you asking is to take a third step where you really have all three major components, possibly special education, Chapter 1, regular education, or whatever else, all sitting down.

I think some of the emphasis that we have pressed for, such as in our accelerated school, where we talk about empowering teachers, and building principals to come in and say, what are my clients, or what are my students like. What kinds of funds, what types of programs, what type of curriculum would you be happy with

And of course, the vital ingredient, the parent, as well, being brought in, is a major step. And, I think, looking at what is going on, at least the major move in Chapter 1, and the regular education and the special education, may be a place to begin.

Looking at special effort, like accelerated schools, and the Coalition of Essential Schools on the high school level, are places to begin in trying to craft what you want to happen across the board and in special education.

Mr. **Smith**. If you have any language that you could send to Glenn, or myself, on the protections as you head into those conversations around Chapter 1 and special education, I think we would be interested in them.

Because I guarantee you that were this bill ever to be debated and passed into law, there will not be anything in it that can be construed to be, or, in fact, used to reduce funding special populations, so that that funding can be used for other populations. It is just not where we are at, and what we want to have happen.

What we would, I think in some cases, like to do is, if five children in special education were assessed as being ready to do something else, and some other kids were, and some teachers got together and cooked up a different way of educating those 15 or 20 kids, that we would be able to put money together to make that happen in return for accountability, to set up accountability standards.

But, now way will we ever be in the situation where any special population money is used for other programs, like, the classic is, bilingual education money used for Parisian French, no, that is not what this is about.

Ms. **Farrar**. No, I do not think any of things would happen in regards to the situations that I was trying to describe to you. As, a matter of fact, within Chapter 1, you could get more specific about servicing the most needy children as defined in Chapter 1.

But, the best way to do that is to be involved with the regular education program so that you are setting goals as to where those children should go.

I think the same thing that has happened with special education, and it has been proven that can happen with regular ed, but as I said, we are talking about going one step further and bringing all the principal players together. And, we would be happy to furnish you some of the things that have happened with our some of our special school situations.

Mr. **Smith**. We are after language. Language will help us.

Mr. **Poshard**. Virgil, you wanted to comment on this?

Mr. **De Boer**. Well, just that in my very, very meager research into the bill, it appears to me that the safeguards are there, but that conservatism that we have, as I already said, people are adverse to change, etc.

We are just re-emphasizing that we want the same percentage of monies that are going to these special need groups continued. There is nothing wrong with combining them and working from there.

I have been a curriculum director, I went through the block grants, and I found that the block grants became the nicest house on the street, got the nicest shutters and things like that. It is very difficult to envision this working differently.

But, I do feel that if you can combine the funds, and allow the teachers, I think you hit on the point there, allow the teachers within the districts to have a say, they will have an ownership in this, but also many times they can see, well, we are not spending all the money in this area, but we can take it over and use it in another area, so it does take those restrictions out.

So, I feel your bill addresses it, it just seems as if we have to keep re-emphasizing it's protective device.

Mr. **Poshard**. I think those protection devices, in the way of the bill's specific language, are the things that we are looking for in these hearings also.

Because, we want to give people the assurance that we are not trying to abdicate the intent of the law here, in regard to special populations, we are trying to say, perhaps by a different design mechanism, there is a better path to get to those end results than what we have previously accomplished through a mish-mash of rules, and regulations and formula driven applications that have tied everybody's hands at the local level.

So, the point is very well taken. You mention, in your statement here Carolyn, that the issues facing public schools are viewed as school improvement and design issues. And, you go on to relate to certain school improvement issues, which many have been drafted in Illinois in the last several years.

I was in the State Senate when we drafted the 1985 School Improvement Act, and while I fully recognize that many of those hoped-for school improvements would come about as a result of that Act have not come about, because, for one instance, we spent more time debating the issues than we did the design to get at the issues.

And, the second major reason is, when we committed ourself to a 1.2 billion dollar increase in educational funding over three years to bring those about, we funded it at one year at three hundred million, and then forgot it.

So, your testimony, Mr. De Boer, relates to the fact that if we do not have the kind of financing from the Federal level to back up these needed changes, and these programmatic efforts, we are kind of whistling in the wind.

I agree with you, also. I do not think we ought to make commitments for change that we cannot produce the needed revenues t follow through on those things.

And, there is much debate in Congress right now, we hear o many refrains that money is not the only thing that is needed fo education, or that money is not the determining factor about whether we improve schools or not.

I just hate to hear that sort of thing. Of course, it is not the determining factor, but you are not going to get there if you do not have the funds to do it with. So, that is one of the things that I wanted to mention.

There were a couple of other questions that I had here, and——

Ms. **Bowman**. Mr. Poshard, may I——

Mr. **Poshard**. Yes. Oh, I am sorry, Martha. Go right ahead.

Ms. **Bowman**. At one point, I have this, right here, and in one of the paragraphs on the second page it states, "participation in the program would be voluntary, it would be based on the State Challenge Grants, it would be no cost to the Federal Government."

Are you talking about additional costs?

Mr. **Poshard**. Yes.

Ms. **Bowman**. Okay. Because, that is not what it says. It says, "there will be no cost to the Federal Government." You are not talking about taking away money——

Mr. **Poshard**. No, we are just saying that should a program of performance agreements be employed as a result of this bill, coming from the Federal Government, that would not require additional monies, necessarily, it requires changes in the approach.

Should those changes result in the necessity for different money, then it would be our intent to go after that fully, to fund those changes that the model programs have shown work, and work more effectively than what we are presently doing.

Mr. **Smith**. If I might, I think for both of us this has partly been a beginning lesson in what people infer from what you write, or say, when they do not know you, and your own background, or experience.

But, I will tell you, in the short run, what we are about, and I think I can speak for Glenn, but I will speak for myself, if we are going to put more money on the table for education in this country at the Federal level, it ought to go into Chapter 1, it ought to go into special education, it ought to go into the programs that are already there and are underfunded.

And, so to that effect, I think we are going to see a significant increase in Chapter 1, and I am very, personally pleased to tell you that I was able to introduce an idea into the Republican Congressmen on the Education and Labor Committee last week.

That has been approved and sent to the Budget Committee to increase special Education, Public Law 94-142 funding, by a billion dollars over the next three years, and they accepted that.

If we are going to put money on the table, that is where it has to go, into the programs that are already there.

The purpose of this language came from two reasons. One, the process gets pretty complicated in Washington in you want to get money, just politically complicated.

But, secondly, school people have told me that the real incentive would be the ability for them to be treated like professionals and begin to do some thinking, and that they thought they could get much better impact out of the money they were already handling if, in fact, they had the ability to manage that money, themselves, inside the school.

And, I really had people saying, yes, we need more money in the categories, but before you front end load us with lot's more money, I am afraid that is not an immediate possibility, probability, give us more control over the money we are already spending.

And, I had one fellow in New Jersey say, if you let me run my school, put the standards out there you want us to meet, and let us manage the money, it will be the equivalent of a 15 or 20 percent increase in effect, in impact of the money we are currently spending.

So, from our point of view, saying that there would not be a financial incentive from the Federal level was to emphasize what the real incentive was, which was for teachers, and parents, and school board members and administrators to have a vision, and to see it through, and to try to get better impact through in-building management of existing resources.

Mr. **POSHARD**. To emphasize, again, we are not equivocating on the standards that have been set by Federal law for special populations, not at all.

In fact, the performance agreements, for the schools that would choose to engage in these, are more exacting than the present Federal standards for those students.

What we are saying is, there may be a better process to get there than by the formula driven applications which tie everybody's hands at the local levels right now.

And, let us just see if we give the local schools the flexibility, and the right to handle that money in the way that they choose to meet those standards, let us just see if it works better that way than it works by somebody sitting in Washington and saying, here is the way you got to get to these standards.

That is all. We are asking for a chance to check out. And, if it does work better, then we have a basis for getting more money from the Federal Government.

Ms. **BOWMAN**. As I see it, then, you are allowing us to set some of our own standards, letting educators lead the pack in stead of us reacting to whatever is being done to us.

Mr. **POSHARD**. That is exactly right. We are saying, if you are a professional educator in the field as an administrator or as a teacher, and you are willing to set a higher standard, for the student, even than the Federal law requires, we are going to give you the flexibility and the ability to get there in whatever way you choose.

Without our saying, from Washington, this is the way you have to do it based upon some formula saying, you can only spend your money on this amount of transportation, or this amount of salaries or this amount of whatever.

If you need more teachers to get the job done, hire more teachers. If you need a new bus to transport the kids, transport the kids.

But, how can we know what best meets your priority need at the local level by standardizing everything at the Federal level in terms of the process. We just do not think that is the way to go.

Mr. **Smith**. We are in danger of getting off time here, but I will tell you, a member of Congress who I have great respect for, from Connecticut, Nancy Johnson, came to me the other day, and this bill really has people thinking and talking.

She said, I have got a little problem in one of my school districts, they did not get reimbursed for their special education program. And, I said, what was the problem, in general, and again, I trust her reporting of the issue.

They had a school district that had found another way, with parents' consent and everything, to educated special needs children, that had yielded in one year, dramatic improvement, but it did not fit.

So, state reimbursement was cut, and the school district had to retrench the program and go back to the old way. That is exactly what it is we are trying to speak to.

And, somehow what we need, I think as we have both said, is, your help with the language, we do not want to make this bill as bureaucratic as the bill we are trying to replace, which is the other problem.

But, we really need your understanding, and then your own community based language to help us say it the way we mean it.

Ms. **Bowman**. I am not speaking for IEA or NEA, but you seem to be addressing an issue that is personally difficult for me, as teachers have a tendency to run behind whatever is going on, and I want to see us at the forefront of change.

Mr. **Poshard**. Okay. We appreciate that. And, we thank you for your testimony, and we have three other panels to go, so we will go on to the second panel. Thank you, very much. And, please feel free to contact us on any language, or anything that you can help us with in terms of directing us.

Panel 2, Charlotte DesJardins from the Coordinating Council for Handicapped Children in Chicago, and Mary Cotter from the Illinois Learning Disabilities Association in Lincolnwood.

Charlotte, did I pronounce your name right?

Ms. **DesJardins**. That is fine, sure. You know, it is like they say, Des Plaines, and La Grange. That is okay, as long as I know you are talking about me.

Mr. **Poshard**. All right. We will begin with Charlotte Des Jardins then, from The Coordinating Council for Handicapped Children, Chicago.

STATEMENT OF CHARLOTTE DESJARDINS, COORDINATING COUNCIL FOR HANDICAPPED CHILDREN, CHICAGO, ILLINOIS

Ms. **DesJardins**. The Coordinating Council for Handicapped Children appreciates this opportunity to present comments on the proposed legislation, H.R. 3347, and to inform you of some of the concerns that we, and other parents of children with disabilities, have about this bill.

The Coordinating Council is a coalition of parent and professional organizations that has been in existence for more than twenty years. So, our comments are based on that experience, and the things that we have observed and lived through during those twenty years. There is a lot of years involved in this.

Although the comments that are present in our testimony are applicable throughout the Nation, because of our location in the city of Chicago, we believe that they are especially applicable to underserved minority populations, low income populations, in an urban setting.

Now, we do serve people from all over the State, but, again, because of our location, most of the services, for logistic reasons, are provided to low income underserved minority populations in the city of Chicago.

We know that on the surface this bill appears to have a lot of positive elements. It appears that the intent is really a very positive one, but in terms of the execution of this intent, this is what we have problems with, and I would like to address some of these problems.

We have reviewed very thoroughly H.R. 3347, and also the accompanying documents that we got from your office, Congressman Poshard, so, we really appreciate everything that you have done to give us this information.

When we see some of the phrases in the bill, they seem to have phrases that are very appealing like, ". . . deliver more effective services to it's citizens, especially disadvantaged citizens, and traditionally underserved citizens . . ." on page 2.

Also, ". . . of primary importance to the National security and to the continued role of the United States as a world leader . . ." Also, ". . . the ability of local school authorities to direct and inspire confidence to the public schools . . ."

Also, ". . . all public education in this country will benefit from school improvement models . . .," and then there is a number of references that this bill is going to reduce the drop out rate, will improve academic performance, will establish safe, disciplined and drug free schools.

These are all things that we want. These words are obviously intended to inspire confidence, in people viewers of these phrases, to the requested action in terms of the performance, but like so many enticing commercials we see on television, and in magazines and newspapers, we have to look beyond these phrases.

Of course, the name of the bill is obviously something that is very appealing in itself, because we are talking about restructuring, we are talking about education performance agreements for school restructuring, and we are always looking for new answers to old problems.

So, it is very appealing, but when we examine the bill more closely, we see phrases which make us apprehensive, phrases like, ". . . severely impeded by the paper work burden and regulatory limitations." Now, these are words that we heard from the previous panel, that a lot of people were talking about, and these are words that are introduced in the opening remarks to the hearing.

Words like, "local school authorities, and the governor's of several states have requested greater freedom." Words like, "allowed greater flexibility to local school authorities by consolidating funds available to a school under various Federal, state and local programs." These are words all taken from the bill.

And, then a phrase that we saw on page 6, which we are not sure what it means, but it says, "in no case shall the local grantees under this Act be required to return funds, with respect to programs covered by this agreement."

Now, as advocates for families of children who were present in 1982, during an earlier deregulation effort, we have a powerful sense of deja vu when we read these phrases, and we see these words.

What we really see in H.R. 3347 is a piece of legislation which has been dressed up in high sounding phrases to make the content more commercially palatable.

But when stripped of its marketing apparel, H.R. 3347 is simply another piece of legislation with big promises, whose intent is to get the Federal Government out of its legally prescribed regulatory and monitoring role in educational programs.

This prospect is really all the more horrifying when we note that there is a specific intent here, on page 10, to especially address underserved populations, low income populations, minority populations.

Because, it seems to us that this bill is going to be especially damaging, can be especially damaging to these populations. Without specifically targeted allocations, these disadvantaged populations would be forced to compete for the scarce financial resources available.

Another problem that we see is that it takes away the strongest protections that families currently have under the EHA. The very protections and regulations that we have heard complaints about from so many educators, and from people who, I am sure, are going to be testifying today.

The main thing that H.R. 3347 does is really to exchange protections for vague assurances. We see the word "assurance" all over this bill. What this bill amounts to is that it allows school districts, local school districts, to provide assurances that they will do what they are supposed to do.

Now, let us remember that assurances are simply promises. So, we are going to exchange promises for real, concrete regulations. This is what this bill is all about. And, they are going to be promises, mainly on paper, made by people in some school districts that have been found in violation of the law, again, and again and again.

Just to give you one example, in Chicago, and I am sure it is not the only example, because this kind of thing applies all over the country, while the Illinois State Board of Education, in its annual plan, its annual assurances to the Federal Government, its annual report, that they were in full compliance of the law.

While this went on, and on, for more than ten years, the Chicago Board of Education was in severe violation of the law, to the point where the Office of Civil Rights was moving over a period of years, the U.S. Office of Civil Rights, over a period of years, to withhold Federal funds, at the same time that, in its annual report of Public Law 94-142 programs, the State Board was reporting that everything was fine.

So, this is the problem with paper assurances. Only at the very last possible moment was an actual withholding averted by the fact that in Chicago we now have a new interim Chicago Board of Education, and a parent of a handicapped child on the Board is the one that mobilized to Board to, at the last moment, do something about this lack of compliance, which had been going on ever since Public Law 94-142 was implemented.

And, that is just one case in point. But, obviously, this kind of thing is more likely to happen in an urban school setting, in Chicago we are talking about 3 million people. So, we are especially concerned about what this is going to do to large urban populations, but it can happen anywhere.

What is important to note is that the evaluation of program performance under this bill is specifically delegated to each local agencies, remember, those are the very ones that are often in non-compliance with the law, with no provision, at all, for parent participation in the evaluation process.

There is mention in H.R. 3347, on page 15, of an outside evaluation, but the parents role is not mentioned in this outside evaluation.

If parents are not to be an active part of this "independent evaluation," how independent can it be? It will simply be a matter of asking the local education agencies if they are in compliance. And, of course they will provide assurances that they are.

It is clear that even in the dressed up language of the proposed Education Performance Agreements for School Restructuring Act, that the prime movers of this legislation are the school districts who are eager to escape from the Federal monitoring and regulations which, at this very moment, limit their freedom, in terms of violations of Public Law 94-142.

In a statement submitted by Congressman Peter Smith, last November 16 at a subcommittee hearing, there was a statement, ". . . something was broke within our public elementary and secondary school system." Now, we do agree that something is "broke, broken," within our school system. We do not agree that something is "broken" with the regulations which oversee the school system.

As the previous panel mentioned, yes, The Nation at Risk for 1983, does document that there is something severely wrong with our school system, but remember something interesting, if you peruse that big, heavy document, you will see hardly a mention of children with disability, hardly a mention of special education.

There really was not much of an effort to find out what was really wrong with special education. It appears that in this bill that special education was kind of like brought into it, and included, without really a major assessment of how this bill is going to impact on special education.

Because the special education mandate is quite different, and has a lot of many different elements, than the other different mandates that we talked about that are going to be consolidated in this bill, in terms of the funds.

It seems to me that it makes no sense, whatsoever, to remove the police department, on the grounds that there is something broke with our criminal system, because, after all, we still have the crimes all the time, do we not?

And, does that really follow that we should then get rid of the regulations, the laws, that protect our citizens from crime. We still have crimes.

Instead, what we should do is really to increase those protections. To provide more dollars to the police department so they can provide better protection to its citizens.

Likewise, we need to intensify the protective role of the U.S. Department of Education, precisely because our school system is so inadequate. It is broke, as has already been mentioned by Congressman Smith.

Our school system is not inadequate because school officials do not have enough freedom. Now, there has been talk about paper work here, but I do not see, at all, how this bill is going to eliminate any paper work at all.

It is quite possible that all the school performance agreements will increase, to a great extent, the paper work that people have now.

And, there is nothing in any law now that prohibits school districts from being innovative. What they are limited to is that they do have to provide the services that are required by law.

What we need is more dollars. And, precisely, because our schools our so inadequate. And, they are not inadequate because they do not have enough freedom, it is precisely for the opposite reason. Because the regulatory and monitoring powers of the Department of Education have not been forceful enough in implementing the regulations we already have.

So, when we consider the three R's, Restructuring, Reform and Resources, we say we can accomplish those three by intensifying our efforts in the regulation department intent, and increasing the protection that families have under current legislation.

Thank you, very much.

[The prepared statement of Charlotte DesJardins follows:]

Coordinating Council for Handicapped Children
LET'S MAKE WAVES
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PUBLIC HEARING STATEMENT ON HR 3347

CONDUCTED BY CONGRESSMAN GLENN POSHARD, 22ND DISTRICT, ILLINOIS
PRESENTED BY CHARLOTTE DESJARDINS
EXECUTIVE DIRECTOR, CCHC 3/5/90

The Coordinating Council for Handicapped Children appreciates this opportunity to present comments on the proposed legislation, HR 3347, and to inform you of the possible negative impact of this legislation to families of children with disabilities.

The Coordinating Council is a coalition of parent and professional organizations which has been serving families of children with disabilities and their professional helpers for more than 20 years.

Although the Coordinating Council provides services throughout the State of Illinois, because of our location, we serve predominantly Chicago area families, and always made special efforts to serve low income and minority families. Therefore, our comments, although applicable throughout the nation, will have special application for low income and minority populations in urban areas.

Having reviewed the proposed HR3347 and accompanying documents provided by Congressman Poshard's office, we are compelled to express the serious concerns we have about this legislation.

On the surface, HR3347, with its positive sounding name, the Education Performance Agreements for School Restruturing Act, appears to have positive attributes. We see phrases like "...deliver more effective educational services to its citizens, especially disadvantaged citizens and traditionally underserved citizens..." (p.2); and "... of primary importance to the national security and to the continued role of the United States as a world leader..."(p. 2); also, "...the ability of local school authorities to direct and inspire confidence in the public schools..."; also, "...all public education in this country will benefit from school improvement models..." (p.3); and, "...better able to lead the children under their supervision away from invovelvement in drug violence and toward revitalization of the community in which they live..."(p.2); and, also, "...the reduction of the drop out rate and the improvement of academic performance..."(p.3)

AND, "THE ESTABLISHMENT OF SAFE, DISCIPLINED, AND DRUG-FREE SCHOOLS..."(3)

THESE WORDS ARE OBVIOUSLY INTENDED TO INSPIRE CONFIDENCE AND PROPEL VIEWERS TO THE REQUESTED ACTION, MUCH LIKE SO MANY ENTICING COMMERCIALS WE SEE ON TELEVISION, IN MAGAZINES, AND NEWSPAPERS.

HOWEVER, WHEN WE EXAMINE THE BILL MORE CLOSELY - WE SEE PHRASES WHICH MAKE US APPREHENSIVE: PHRASES WE HAVE SEEN BEFORE IN PROPOSED DEREGULATION EFFORTS, PHRASES LIKE: "SEVERELY IMPEDED BY THE PAPERWORK BURDEN AND REGULATORY LIMITATIONS..."(P.2); "LOCAL SCHOOL AUTHORITIES AND THE GOVERNORS OF SEVERAL STATES HAVE REQUESTED GREATER FREEDOM..."; "...ALLOW GREATER FLEXIBILITY TO LOCAL SCHOOL AUTHORITIES BY CONSOLIDATING FUNDS AVAILABLE TO A SCHOOL UNDER VARIOUS FEDERAL, STATE, AND LOCAL PROGRAMS..."(P.4); AND, "...IN NO CASE SHALL THE LOCAL GRANTEES UNDER THIS ACT BE REQUIRED TO RETURN FUNDS WITH RESPECT TO PROGRAMS COVERED BY THIS AGREEMENT..." (P.6).

AS ADVOCATES FOR FAMILIES OF CHILDREN WITH DISABILITIES WHO WERE PRESENT IN 1982, DURING AN EARLIER DEREGULATION EFFORT, WE HAVE A POWERFUL SENSE OF "DEJA VU" WHEN WE REVIEW HR3347, ESPECIALLY WHEN WE RECOGNIZE THE FAMILIAR PHRASES JUST ENUMERATED ABOVE.

WHAT WE REALLY SEE IN HR3347 IS A PIECE OF LEGISLATION WHICH HAS BEEN DRESSED UP IN HIGH SOUNDING PHRASES TO MAKE ITS CONTENT MORE COMMERCIALLY PALATABLE. BUT, WHEN STRIPPED OF ITS MARKETING APPAREL, HR3347 IS SIMPLY ANOTHER PIECE OF LEGISLATION WITH VAGUE PROMISES, WHOSE INTENT IS TO GET THE FEDERAL GOVERNMENT OUT OF ITS LEGALLY PRESCRIBED REGULATORY AND MONITORING ROLE IN EDUCATIONAL PROGRAMS.

THIS PROSPECT IS ALL THE MORE HORRIFYING WHEN WE SEE CLEARLY STATED IN HR3347 THE INTENT TO MESH NO LESS THAN TEN (10) FEDERALLY FUNDED EDUCATIONAL PROGRAMS INTO ONE UNWIEDLY BLOB. PROGRAMS AS DIVERSE AS THE ELEMENTARY AND SECONDARY EDUCATION ACT, THE ADULT EDUCATION ACT, THE JOB TRAINING PARTNERSHIP ACT, THE MCKINLEY HOMELESS ASSISTANCE ACT, TEENAGE PREGNANCY PROGRAMS, AND DRUG EDUCATION/PREVENTION PROGRAMS WOULD BE LUMPED WITH EDUCATION OF THE HANDICAPPED ACT PROGRAMS. THIS HUMONGOUS BLOB WOULD BE ESPECIALLY DAMAGING TO THE VERY POPULATIONS THAT HR3347 TARGETS AS ITS PRIORITY POPULATIONS "...SCHOOLS IN AREAS WITH HIGH POVERTY RATES OR OTHER INDICES OF DISADVANTAGED STATES..." (P.6); FOR, WITHOUT SPECIFICALLY TARGETED ALLOCATIONS, THESE DISADVANTAGED POPULATIONS WOULD BE FORCED TO COMPETE FOR THE SCARCE FINANCIAL RESOURCES AVAILABLE.

Another major problem with HR3347 is that it takes away the strongest protections families currently have under the EHA - the protections that the federal government provides in its regulatory and monitoring role. What HR3347 does is to exchange protections for assurances. Let us remember that assurances are no more than promises - and when the promisors are local education agencies who failed again and again to implement federal education laws - families of children with disabilities, in effect, would have no protection at all.

Assurances often look fine on paper - making a local education agency appear to be in full compliance with the law - but the reality can be quite different.

In Illinois, as a case in point: all the while that the Illinois State Board of Education was assuring the U.S. Department of Education, through its annual P.L. 94-142 state plan, that Illinois was in full compliance with every aspect of the law, the U.S. Office for Civil Rights was moving to remove millions of federal dollars from the Chicago Board of Education due to serious non-compliance problems, over a period of many years. Only the swift turnabout,last summer, by the new Interim Chicago Board of Education, mobilized by its parent member (of a child with a disability), averted this drastic action at the last possible moment. Unfortunately, there are many more school districts like this.

When we have such concrete demonstrations of legal violations and irresponsibility - how can the federal government justify the abdication of its role as regulator and monitor, in exchange for paper assurances by the very school agencies who have perpetrated these violations and have thus demonstrated a betrayal of the trust already shown them?

It is important to note that evaluation of program performance under HR3347 is specifically delegated to each local education agency (p.14), with no provision for parent participation in the evaluation process. Although there is much mention of "educational performance" in HR3347, there is no explanation about how this is to be determined. An "independent evaluation" is mentioned (p.15), but the parent's role in this evaluation appears to have been overlooked. Yet, if parents are not an active part of this "independent evaluation", how independent can it be? It will simply be a matter of taking the word of local education agencies that everything is OK.

It is clear, even in the dressed up language of the proposed Education Performance Agreements for School Restructuring Act, that the prime movers of this legislation are the school districts who are eager to escape from the federal monitoring and regulating which, at the moment, limit their freedom to violate the law.

In a statement submitted by Congressman Peter Smith last November 16, at a subcommitee hearing, Congressman ~~Peters~~ Smith stated that "something was broke within out public elementary and secondary school system..." Although we agree that something is "broke" with our school system, we do not agree that something is "broke" with the regulations which oversee this school system.

It makes no sense to us to remove the fire department and the police department on the grounds that something is "broke" with the fire department and the police department - because we still have fires and we still have crimes.

Precisely because we still have fires and we still have crimes, we must, instead, intensify and improve the protective roles of these agencies.

Likewise, we need to intensify and improve the protective role of the U.S. Department of Education, precisely because our school system is so inadequate. Our school system is not inadequate because school officials don't have enough freedom. It is precisely for the opposite reason - because the regulatory and monitoring powers of the Department of Education have not been forceful enough in implementing the regulations we already have.

Mr. **Poshard**. Thank you, Charlotte, for that testimony. We will go to Mary, at this point in time, and then we will get back to some questions. Mary Cotter.

STATEMENT OF MARY COTTER, ILLINOIS LEARNING DISABILITIES ASSOCIATION, LINCOLNWOOD, ILLINOIS

Ms. **Cotter**. Thank you, Mr. Chairman, I am Mary Cotter, a member of the Illinois Learning Disabilities Association, and also a Vice President of the National Learning Disabilities Association of America.

We are an all-volunteer group of parents and professionals with 60,000 members nationwide, and we appreciate the opportunity to present testimony on the Educational Performance Agreement Demonstration Act introduced by Representative Smith of Vermont.

We have been consulting with Mr. Smith on this legislation and the various draft substitutes which he has prepared.

Because we represent students with learning disabilities throughout the country, as well as their parents and many of the professionals who help them, and because we too support education reforms, we feel it is our responsibility to involve ourselves in the National debate over education reform.

As Mr. Smith, himself, knows, our consultation with him regarding this legislation has had serious consequences for us. The Vermont Learning Disabilities Association has withdrawn from our national organization as a protest against our dialogue, just the dialogue alone, with Mr. Smith.

While this was very disheartening, we understand, and we hope that members of Congress understand, that any perceived threat to the hard-won mandates and protections of Federal laws regarding the education of students with disability will always elicit a strong reaction.

Our experience shows we have reason to be skeptical. We are all too familiar with the history of so-called reforms that have been used to avoid compliance with Federal mandates. The Regular Education Initiative is a very recent example of how reform initiatives can be misused by some.

I would like to add a note here. Nobody would argue with the theory of the Regular Education Initiative. The concept is fine. It is in the implementation that it has fallen down.

And, in regard to Mr. Smith's suggestion to the previous panel as to how we could accomplish this idea of, say five teachers, some from EHA, Chapter 1 and regular teachers, I would just like to really emphasize the fact that we are not going to go anyplace with anything until teachers are prepared.

And this has to come from the teacher training institutions, and that has to be enforced at the Federal level, because in Illinois something did work out, it is known as House Bill 150, passed in 1979, which mandated that all teachers, before being certified, had to take this course in the characteristics of the exceptional child.

Granted, it is not what we wanted, we are trying to go back and get principals and administrators included in that, but it was a start, and I think if we use that idea as a basis, we will get a lot further with any plans that we have.

Because, if you are aware, regular educators are not too enthused about the Regular Education/Special Education Initiative as Madalyn Will had previously entitled it. So, I think that is just something to bear in mind.

The time today is limited, so I will simply say why we continue to oppose Mr. Smith's legislation. We had previously submitted specific language to amend his January 3rd draft in ways that would help address our concerns, which fall into five areas.

Number one, the need to specifically reiterate, at several point in the draft, including the state assurances section, that the Federal mandates and procedural safeguards regarding education of the handicapped will be enforced in the demonstration.

The need to require parent involvement in the planning, the evaluation and the monitoring of these local demonstrations.

Number three, the need to require a public hearing on local demonstration proposals and any modification thereof, after the initial has been presented.

Four, the need to evaluate each demonstration and address the results achieved for students eligible under EHA and Chapter 1.

Five, the need to restrict the demonstration to a very limited number of sites, with no new sites until the evaluation and final report to Congress has been completed.

What is wrong with going back and looking at the states who have been successful, who have good track records in implementing Public Law 94-142? There you might see a real intent to do what is supposed to be done.

While we noted that our fourth area of concern was addressed in the February 8, 1990 draft, namely: evaluate each demonstration, and compare the results achieved.

We still have to oppose this legislation because it does not address the concerns two, three, five, but especially the most critical one, addressing number one, requiring an assurance from the state that the mandates and procedural safeguards, regarding the education of the handicapped will be enforced, the word, "will" be enforced in the demonstration.

Mr. Chairman, roughly 70 percent of students with specific learning disabilities in this country are taught in the regular classroom. And, we are just as anxious as other parents and taxpayers to see that this learning environment improves.

But, we dispute the notion of those who say that special education is part of the problem. In fact, we believe that what we have learned from special education may hold the key to reform regular education.

[The prepared statement of Mary Cotter follows:]

TESTIMONY OF MARY COTTER, VICE-PRESIDENT OF THE LEARNING DISABILITIES ASSOCIATION OF AMERICA

Mr Chairman, I am Mary Cotter, a member of the Illinois Learning Disabilities Association, which I am representing today, and am also a Vice President of the national Learning Disabilities Association of America and my testimony reflects the position of that organization as well. We appreciate the opportunity to present testimony on the "Educational Performance Agreement Demonstration Act" introduced by Rep. Peter Smith of Vermont.

We have consulted with Mr. Smith on this legislation and the various draft substitutes which he has prepared. Because we represent students with learning disabilities thruout the country as well as their parents and many of the professionals who help them, and because we too support education reforms designed to improve the learning environment for all students we feel it is our responsibility to involve ourselves in the national debate over education reform. As Mr. Smith knows, our consultation with him regarding this legislation has had serious consequences for us. The Vermont Learning Disabilities Association has withdrawn from our national organization as a protest against our dialogue with him. While this was disheartening, we understand and we hope that members of Congress understand that any perceived threat to the hardwon mandates and protections of federal laws regarding the education of students with disabilities will always elicit a strong reaction. Our experience shows we have reason to be skeptical. We are all too familiar with the history of so-called reforms that have been used to avoid compliance with federal mandates. The Regular Education Initiative is a very recent example of how reform initiatives can be misused by some.

Since our time today is limited, I will simply say why we continue to oppose the legislation proposed by Mr. Smith in his recent

2/8/90 draft substitute. We had previously submitted specific legislative language to amend his 1/3/90 draft substitute in ways that would help address our concerns. Our concerns fall into five areas: #1. the need to specifically reiterate at several points in the draft (including in the state assurances section) that the federal mandates and procedural safeguards regarding education of the handicapped will be enforced in the demonstration.

#2. the need to require parent involvement in the planning and monitoring of local demonstrations.

#3 the need to require a public hearing on local demonstration proposals and any modification thereof.

#4. the need to evaluate each demonstration and address the results achieved for students eligible under EHA and Chap. 1.

#5. the need to restrict the domonstration to a very limited number of sites with no new sites until the evaluation and final report to Congress has been completed.

While we noted that our 4th area of concern was addressed in the 2/8/90 draft..'evaluate each demonstration and compare the results achieved, we must continue to oppose his legislation because it does not address our concerns 2,3,and 5, and the most critical proposed change addressing # 1- requiring an assurance from the state that the mandates and procedural safeguards regarding the education of the handicapped will be enforced in the demonstration.

Mr. Chairman, roughly seventy percent of students with specific learning disabilities in this country are taught in the regular classroom. We are as anxious as other parents and taxpayers to see that this learning environment improves. However, we dispute the notion of those who say that special education is part of the problem. In fact, we believe that what we have learned from special education may hold the key to help reform regular education.

Mr. Poshard. Thank you, Mary, for your testimony. Just let me ask you a quick question, a what-if sort of thing, and then Peter is going to address the two, three and four suggestions that you have made.

Assuming this bill passed and we did have a model demonstration program in effect throughout the country with a specific number of school districts, and after five years time we determined that giving local people a more flexible approach to achieving the same end-goals that the law requires them to achieve for special populations—let us assume that the results with parental involvement, and public hearing and all the things that you suggest turn out to be positive—we find out that, in fact, these school districts were better able to serve the special populations by the increased flexibility, would you support the concept at that point in time?

Ms. Cotter. Depending on how things went along. In theory, yes. But, again, you have to have real specific, positive proof that this is a universal thing, not one or two school districts doing what they should, as often happens anyhow.

Mr. Poshard. Well, if you leave us with that standard to match, we will never match it. Because, if you are going to say, well, we only exhibited in a few school districts the fact that this could work, but that is not a universal proof, so, we cannot ever go to that procedure. How will we ever convince anybody that it can work?

Ms. Cotter. Well, I think it will take more time, more language, more input to get it all together in the first place, and then see that it is implemented.

Mr. Poshard. I agree with you. We are not looking for an overnight solution. We fully recognize this is a long process by which everybody has to give input, and we all have to converse, that is the only way I know to settle things anyway, or to improve things, is to get everybody together, and lay it out on the table and then see what possible implementation methods can improve.

Ms. Cotter. And, we can only benefit from the continued dialogue.

Mr. Poshard. Yes. Okay. Thank you, Mary. Peter.

Mr. Smith. Mary, I have a question for Charlotte in a second, but I want to acknowledge to you publicly, as I did before the meeting began, that we appreciate very much the courage that your National Association has shown to be willing to discuss what is, by definition, an extraordinarily difficult issue.

And, the fact of the matter is, if we do not start discussing this, in public, as leaders, my concern, and I think Congressman Poshard's, that we will reap a harvest which is far more negative down the road than any of us contemplate, or wish, for our children, or our country, or our schools.

So, I know it has not been without cost to your organization, and I respect you all the more as an organization for your willingness to engage in this conversation.

Ms. Cotter. We realize how important it is to continue the dialogue.

Mr. Smith. And, these bills, as we work on them, go through drafts and reconfigurations, and I just want to assure you that you have not heard the last from us in terms of responses to your five points.

It is not clear to me that on everyone of them, down to the last dotted I, we are going to concur, but there are large areas of agreement.

Because much of what it is we are about, literally, is trying to figure out how to say this so that when it lands in a community, coming through the state level to the community level, it is understood as we intended, and not some other way, and that the guarantees and the safeguards are there, not absent.

Ms. **Cotter**. And, I think that is the assurance that we are looking for, and the way it is posted.

Mr. **Smith**. And, you are doing a good job of keeping us on our toes, and I appreciate it very much. And, I look forward to the day when we will have talked enough, and I think it will come sooner rather than later, so that we will at least have you in, what we will call, guarded neutrality, and maybe support.

You mentioned teaching, and I do not know if either of you know—I do not know—the numbers for Illinois, or for the country, in terms of the availability of young men and women in teacher training institutions who aspire to become teachers of special needs children, and secondly, the attrition rate of current classroom teachers?

Ms. **Cotter**. I think we could find that information and send it to you.

Mr. **Poshard**. I want to put in perspective, because I absolutely agree with you, and as one who has been involved in teacher training, and as chairman of a school board, and as of a teacher, I think we are all, frankly, coming at this from the same set of concerns.

My understanding is as follows, this is national data: that we are going to lose more than half of our classroom teachers in the next 15 years.

And, if we could get 30 percent of all Baccalaureate graduates to become teachers—and we are operating at literally a decimal of that, 3 to 5 percent—but we need 30 percent of everybody who graduates from college in the next ten years simply to maintain the current staffing level in our schools.

And that, in fact, the attrition rate projected for special education or special needs teachers is higher, and the availability in the pipeline is lower.

Now, that is my understanding. And, every place we go I ask the question, not because I want that to be true, in fact, I would much prefer that the numbers were exactly the opposite.

But if, we are looking at that kind of a fundamental structural problem, in terms of our ability to attract, hold, encourage and nurture professionals in our schools, then we have a problem far greater by the year 2000 than whether or not we are going to be teach kids enough physics to be able to compete with Korea, we have got a, literally, survival issue.

If you could, I am always after as current information as we can get, because one of the things that has driven me in this bill is, we need to make schools a more, I will say attractive, but I mean dynamic and responsive place for professional men and women called teachers to work, or, in fact, I do not think we are going to continue to attract all of the people in health, and that is one of my concerns.

For either one of you, I just want to reframe this for my own purposes, because the basic discussion that we are having, and will continue to have with those associations that serve special needs populations is, are we, in any way, abdicating our responsibility for the protection of civil rights?

And, I think that is the basic issue of the bill, in regard to these learning populations.

Let me try to frame that. All of us recognize, and continue to recognize, that the civil rights of any of our students are important to us, and that they are protected by the law.

And, I think when Public Law 94-142, and other programs relating to the protection of the rights of special populations were passed, that was done for the very specific purpose of assuring that those students had the same rights and opportunities in our system of education as everyone other student.

The question now becomes, in my mind, have we come far enough down the path in recognizing those rights, and in providing opportunities for those rights, that we can begin to consider whether or not those rights—not abdicating Federal responsibility for the protection of the rights—whether or not those rights and those opportunities can be accomplished through a greater degree of trust in our local people, than we have previously been able to admit or to rely upon, in terms of carrying out those rights and responsibilities?

See, to me, as long as the Federal Government has to stand over anybody's head with an axe in its hand and threaten, and cajole and put fear in them to do something, which we ought to do just because we are human beings and we have respect for each other, to me that is not getting any closer, really, to the goal that a democracy really has, in that citizens trust each other and accept self-responsibility for each other.

Ms. **DesJardins**. Well——

Mr. **Poshard**. Charlotte, please just let me finish.

Ms. **DesJardins**. Sure.

Mr. **Poshard**. So, the question, I think, Peter and I are asking in this debate is, to what extent can we really begin to accomplish the real intended purposes of our democracy, wherein we trust people to do what is right and honest with each other, rather than saying that from one perspective, we have to hold an axe over your head?

Not to say that we are not going to see that laws are carried out, but surely we ought to be moving toward a greater level of trust to do what is right.

Not only that, but our concern is, in my talking to many administrators, not only educational administrators, superintendents, principals and so on, but also to special education administrators, that because we have to rely so heavily upon the law, in terms of assuring those rights and responsibilities, much of the time we do this, in order to insure that the law is carried out, we engage in more cost-ineffective, cost-inefficient expenditures of our money.

All I am trying to say, and I will not speak for Peter, all I am trying to say is, to the extent that we can close the trust level and have some faith in our local people to do, not what the law requires, but what is required by human dignity—to the extent that we can do that, we also may have the opportunity at the same time, to spend our money in a more cost effective, efficient way for special education children, as well as for all children.

Now, that is the intent of our legislation, that is all. We are not trying to undermine the law, we are trying to find a better way to get there, based upon the real premise of democratic citizenship, which is trust and self-responsibility, cooperation and contribution with each other.

Ms. **DesJardins**. Well, Congressman, I think that would be wonderful if we could reach that point throughout our society where we really are in a position where we can all trust each other, across the board, in everything, so that we would not need a police department, we would not need a state legislature, we might not even need Congress.

Because I mean, after all, the fact that we recognize that we need a body like Congress to make laws, that, in itself, says very clearly, and we are talking about thousands of laws every single year, and thousands in every state——

Mr. **Poshard**. Just a second, Charlotte. Do not take this to the extremes. You know what I am saying.

Ms. **DesJardins**. I am about to get to my point, Congressman, okay? With all due respect, I do have a point to make.

That, in itself, shows that we have not reached that level yet. I wish that it was otherwise. But, we have not reached that level yet.

And, that has been demonstrated over and over again, all over the country. I have a stack that is, at least, this big, just in Illinois, of the Office for Civil Rights cases that have to do with special education. Not even to mention all the other programs that are listed in terms of the Block Grant Consolidation, the other nine programs.

So, you see, it is an enormous task, and I say that it is not yet time to say that we can do away with accountability, because that is what this is all about. It really is accountability.

I wish that we could say that everybody is behaving in a responsible manner, and that all the school districts are behaving in a responsible manner, but we all know this is not the kind of society that we have.

And, when there is no law there saying you have to do this, then there is too much freedom the other way. And, this is not just in education, it is in every area.

When we have a fire in a hotel, and hundreds of people die, as we did a few years back, I believe it was in Pennsylvania, what the reason the hotel gave was, we were in full compliance with all the laws and all the regulations, we did not have to provide all this, we did not have to do all these safety things.

So, you see, we do need laws to protect everybody, but especially with this population.

Mr. **Poshard**. Charlotte, please, I understand where you are coming from, and you understand where I am coming from. So, when you say, we do need laws to protect special populations, please, we never, never suggested we do not need laws to protect special populations. Did you hear us say that?

Ms. DesJardins. But, we are talking about the regulations, which are the ways that laws are implemented.

Mr. Poshard. We are talking about the way we expend our resources, and maybe, looking at a way, under the protection of the law, to make those resources go a lot farther, and be more effective, than they presently are.

We are not talking about abdicating the law in any way. And, when you suggest that, you are doing a disservice to the debate.

Mr. Smith. It is an interesting thing, because I have a couple of questions for you, too, and I know that you come at this from a long——

Ms. DesJardins. Twenty years.

Mr. Smith. And, a deep commitment. But, I am now reading from the February 8 bill. Okay.

Ms. DesJardins. I will read from the one that was just sent a few days ago. Yes, this one here.

Mr. Smith. Does it say February 8?

Ms. DesJardins. Yes.

Mr. Smith. Okay. Page 5, Line 11. Limitations: "Nothing in this act may be construed, A, to authorize any changes in, substitutions for, or lessening the mandates and protections of Federal laws and regulations regarding civil rights, including those under the Education For All Handicapped Children Act, discrimination and safety, and the procedural safeguards contained, therein; B, to effect regulations and prohibitions concerning the diversion of Federal funds," and so on, and so forth.

I think that is pretty clear. Not that some bad things could not happen, and why, I think, this testimony is so helpful, is that we do need, continually, to be alert and to get our language in order.

But, to argue, at the level of motivation, that there can be any misconstrual of the intention of this legislation, given that single paragraph alone, I simply think is unfair.

And, I would urge that we untangle the legitimate concerns of the needs of children and their protection from the intention of this bill, which is to, in fact, recognize, in my mind, a far greater problem, and you know it, and I know it. And, that is that special needs children too often get inside the door, and they do not get a step further.

When we talk about exchanging protections for assurances, my intention, and I think Glenn's intention, is that we guarantee the protections, and then we build in assurances for higher and better performance that are not there today. It is not an exchange of one for another.

It is that the second, the assurance of the best education for every child according to his or her capacity and need, is not there. And, until it is there, and we cannot mandate that, we can only mandate them through the door, we can only mandate the procedures, we cannot mandate the quality.

We can only allow it, permit it, and encourage it and entice it, so, we do not see it as an exchange, we see it as, guarantee those protections, build in the assurances, and that we are not able to do that the way the laws currently operate.

Ms. DesJardins. Congressman, I agree with the intent of this bill——

Mr. **Poshard**. Okay. Thank you.

Ms. **DesJardins**. And, I do believe that the intent is there, but you see, after a law is passed—and I am sure that you are very well aware of this, but having seen this happen over a period of twenty years, we are very sensitive and conscious of it—after a law is passed, and you know that then there is usually regulations that go into it, it is the way the law is likely to implemented that we are especially concerned about.

It is the freedom from the regulations that is likely to result, it is the way that people are going to behave. Unfortunately, I believe that they are going to use this law, not to do what is intended, but to do something else.

And, I think, for instance, it is obvious that the impetus did not come from parents. I do not believe that parents went to you and said, we need to free the school districts from the paper work, the school districts need more freedom, our children are being held back because there is too much regulation.

It was the schools, and the governors, and the state officials that have requested this. They are the ones that are going to be the beneficiaries, not the families.

Mr. **Poshard**. Charlotte, we appreciate that concern. And, just to say that both Peter and myself have been strong proponents of parental involvement in, not just their children's education, but the making of the programs and the procedures for that education.

So, we, certainly, do not want to leave parents out of this debate at all. I thank both of you for your testimony, and your shedding of a very important premise upon this whole debate, which we intend to address as we go along.

Mr. **Smith**. In closing, I would thank you also.

And, I would only add that I have had parents approach me, and it is generally poor parents of special needs, or otherwise disadvantaged students, who do not have the money to do anything else with their students, and watch them underperform every day, or it is wealthy people who vote with their feet and their wallets, and take their children out of our public schools.

So, I am approached by parents, not only in Vermont, but elsewhere.

Another thing, I liked your police analogy. And, I think we made a little ground when I talked about building the assurances on top of the protections, which is the way I see it, and this has been very helpful.

We were getting intent, that is okay. This is intense stuff. I mean, we have got to have this conversation.

I remember when the first Officer Friendly program was proposed in Vermont. You may call it Police Pal, here, but we all know what we are talking about?

A lot of people thought it was a lot of nonsense. They said, what do you mean? Policemen are intended to stand on the street corner and enforce the law, to catch criminals. What is this Officer Friendly stuff?

Now, 15 or 20 years later, we understand that there is more to it than simply walking the beat. I see this bill, if you will, as the Officer Friendly edition to public schools.

Building on what we have got, and pushing it out. And, it is different, but that is exactly where we intended to go.

And, thank you very much.

Ms. **DesJardins**. Thank you.

Mr. **Poshard**. We appreciate your testimony. Thank you. Our next panel is a panel of education administrators from Southern Illinois: Mr. John Davis, the Superintendent of Schools for Anna-Jonesboro Community High School; Mr. Lawrence Lovall, Superintendent of Schools at Mt. Vernon Consolidated Schools; and David Hindman, Regional Superintendent for Williamson County Schools.

Gentlemen, thank you for agreeing to testify before the Subcommittee on Elementary, Secondary, and Vocational Education today. And, we will begin with the first one listed on our list, Mr. John Davis. John.

STATEMENT OF JOHN DAVIS, SUPERINTENDENT OF SCHOOLS, ANNA-JONESBORO COMMUNITY HIGH SCHOOL

Mr. **Davis**. Thank you, Congressman Poshard. On behalf of all the people of the Anna-Jonesboro Community area, I would like to welcome you to Southern Illinois.

Mr. **Poshard**. Thank you. John, you may need to speak into that mike.

Mr. **Davis**. It is indeed a pleasure for me to have the opportunity to share my thoughts regarding this piece of legislation.

As both of you have worked as classroom teachers, you are aware that right now the going is really tough in the schoolhouse trenches.

We educators are called on to do more, more effectively, with relatively less, than we have ever been asked to do before. While some wring their hands over these challenges, we at Anna-Jonesboro feel honored to be called upon to not only meet the needs of our students, but to also help solve the many problems that face our community and nation. It is good to be needed.

While we are a small school, we take great pride in the work we are doing. The ACT scores for our school arrived on March 1st, and the composite mean of this year's students is a 22. This is up considerably from the composite mean of 18, which was the composite mean in 1986, the first year of the major school reform in the State of Illinois. We feel we are making great progress.

This progress, however, has not been without cost. In order to continue to meet state and Federal mandates, maintain a comprehensive curriculum, limit class size, and pay for good teaching, we have drained the small surplus of the district and we now appear on the states financial watch list.

That list is made up of districts that do not have a surplus of 5 percent of their revenues for one year. We can, and will, get off that financial watch list. We can do that only by undoing some of things that we have done during the last four years.

We will be forced to employ fewer teachers, increase class sizes, provide fewer opportunities for students, or find new ways of structuring what we do.

We would prefer to find new ways to operate. To that end, we are involved in a self study as a part of the Illinois Alliance of Essential Schools.

I understand from conversations that I have had from people at the National Coalition at Brown University that Congressman Smith is well aware of the Essential Schools concept, and has talked to Ted Sizer, and those people, about the implication of this legislation.

So, I will not bore you with a rehashing of Sizer's principles at this time. I do feel, however, that I must say that if our self-study leads us to a full adoption of the Essential Schools concept, we will need the regulatory relief that this bill provides.

In the past the Federal Government has created many categorical programs. We have received help with vocational education, special education, drug education, and a myriad of other programs. At Anna-Jonesboro Community High School, only 5 percent of our operating funds come from Federal dollars.

While we will not have to close the door if we lost that five percent, from what I mentioned before, you understand that the 5 percent is very important to us, and we need that money.

The problem that we have, and the problem that your legislation addresses, is that there is not enough flexibility in the way these funds can be used.

We are bound by the rules and regulations that have been drafted by people with good intentions, however these people are not always aware of the specific needs of our students, and the special ways in which these funds can be combined to better meet the needs of targeted children.

Fragmentation of delivery systems results in doing a less than complete job in several areas. The tire analogy that the gentleman from the Illinois Federation of Teachers used earlier, I think, is excellent.

Another problem is that the "use it or lose it syndrome" also causes us to sometimes make purchases for approved items that might not be as important as other things and services that our students need.

Still another problem is that several advisory committees that have been created to meet the requirements of individual programs often pull the district in separate directions. A single advisory committee could help develop comprehensive policy, as mentioned in the legislation, seems to make much more sense.

If this proposal is enacted, I feel the school districts in the State of Illinois will have a head start in implementing its provisions.

If you do not mind a trip down memory lane, in the early 1970s the then Illinois Office of Education required all school districts to draft what were then called Comprehensive Program Plans.

These mandated plans were developed by local community advisory groups working with school personnel. While one of the purposes was to encourage long range planning, the primary purpose was to improve students performance and make the school evaluation and approval process more meaningful.

The planning, however, was mandatory and no incentives were given. For these reasons, the program never reached its full potential. While these plans are not central to many school districts long range planning today, each year districts must indicate to the state agency that their comprehensive program plans have been reviewed and updated.

Advisory groups are to be involved in that process. I feel that meshing this model with the provision of H.R. 3347 good things could happen in Illinois public schools.

While I am in support of the legislation, I am somewhat concerned about the impact it may have on some educational cooperatives that have been formed. Our school district is part of a number of these cooperatives.

We are part of the vocational cooperative, special education cooperative, and the gifted cooperative. If our district, and others within that cooperative, are successful in implementing education performance agreements as a result of this legislation, I am not sure of the effect this will have on the remaining members of the cooperative.

I am also concerned about the possible negative effect this legislation might have on school consolidation efforts that are underway or being considered.

I would hope that the creation of a six year commitment would not interfere with this much needed process. If cooperative applications could be submitted by districts that are in the process of consolidation, this would not be a concern.

In conclusion, I support this legislation and applaud your efforts. I feel that it can be of great help to us as we attempt to restructure our schools for the 21st century. Thank you for the opportunity to share my thoughts.

[The prepared statement of John Davis follows:]

Testimony to the Subcommittee on Elementary, Secondary and Vocational Education on House Resolution 3347, Educational Performance Agreements For School Restructuring Act

March 5, 1990
Southern Illinois University, Carbondale

Submitted By:

John Davis
Superintendent of Schools
Anna-Jonesboro Community High School District 81
Anna, Illinois

On behalf of all the people of the Anna-Jonesboro Community High School District 81 area, I want to welcome the subcommittee to Southern Illinois. I am honored to have the opportunity to share my thoughts related to H.R. 3347.

As Congressmen Smith and Poshard have both worked as classroom teachers they are aware that right now the going is tough in the schoolhouse trenches. We educators are called on to do more, more effectively, with relatively less, than we have ever been asked to do before. While some ring their hands over these challenges, we at Anna-Jonesboro feel honored to be called upon to not only meet the needs of our students but to also help solve the many problems that face our community and nation. It is good to be needed.

Anna-Jonesboro High School has five hundred and forty (540) students and forty (40) teachers. While we are small we take great pride in the work we are doing. The ACT scores for this year's students arrived on March 1st. Our school composite mean for this group of students is twenty two (22). This is up considerably from the composite mean of eighteen (18) that our school had in 1986, the first year of the major school reform effort in Illinois. We feel we are making great progress.

This progress, however, has not been without cost. In order to continue to meet State and Federal mandates, maintain a comprehensive curriculum, limit class size, and pay for good teaching, we have drained the small surplus of funds of the district and we now appear on the state financial watch list. That list is made up of districts that do not have a surplus of at least 5% of one year's total revenues. We can, and will, get off the state financial watch list in the next few years. We can do this, however, only by undoing what we have done in the past four years. We will be forced to employ fewer teachers, increase class sizes, provide fewer opportunities for students, or find new ways of structuring what we do. We would prefer to find new ways to operate. To that end we are involved this year in a self study as part of the Illinois Alliance of Essential Schools.

I understand from conversations that I have had with staff people at the National Coalition of Essential Schools at Brown University that Congressman Smith is very knowledgeable about this initiative and has had Ted Sizer react to this legislation. I will not then take the committee's time by rehashing Sizer's principles. I must say, however, that if our self study leads us to a full adoption of the Essential Schools concept we will need the regulatory relief that H.R. 3347 offers.

In the past the Federal government has created many categorical programs that provide dollars to address specific needs. Vocational training programs, special education programs, school lunch programs, and drug education programs are but a few of the areas in which the federal government provides dollars. At our school only 5% of our total operating funds come from federal dollars, but, as mention above, 5% of our total operating funds is something that is very important to us. The problem that we have with these federal programs, and the problem that your legislation addresses, is that there is not enough flexibility in the ways in which these funds can be used. We are bound by the rules and regulations that have been drafted by people with good intentions. These people are not aware, however, of the specific needs of our students and the special ways that these funds could be combined to better meet the needs of targeted children. Fragmentation of delivery systems results in our doing a less than complete job in several areas.

Another problem is that the "use it or lose it" syndrome also causes us to sometimes make purchases for approved items that might not be as important as other things and services that our students need.

Still another problem is that the several advisory committees that have been created to meet the requirements of individual programs often pull the district in separate directions. A single advisory committee to help develop comprehensive policy seems to make much more sense.

If this proposal is enacted, I feel that the school districts of this State would have a head start in implementing its provisions. In the early 1970's the then Illinois Office of Education required all school districts to draft what were called "Comprehensive Program Plans". These mandated plans were developed by local community advisory groups working with school personnel. While one of the purposes was to encourage long range planning, the primary purpose was to improve student performance and make the school evaluation and approval process more meaningful. The planning, however, was mandatory and no incentives were given. For these reasons, the program never reached its full potential. While these plans are not central to many school district's long range planning, each year districts must indicate to the state agency that their comprehensive programs plans have been reviewed and updated. Advisory groups are to be involved in that process. I feel that by meshing this model with the provisions of H.R. 3347 good things could happen in Illinois public schools.

While I am in support of this legislation I am somewhat concerned about the impact it may have on some educational cooperatives that have been formed. Our school district is part of a number of these educational cooperatives. We belong to a Special Education cooperative, a Vocational education cooperative, and a gifted cooperative. If our district and others that are part of these cooperatives are successful in implement educational performance agreements as a result of this legislation, I am not sure of the effect this will have on the remaining members of the cooperative.

I am also concerned about the possible negative effect this legislation might have on school consolidation efforts that are underway or being considered. I would hope that the creation of a six year commitment would not interfere with this much needed process. If cooperative applications could be submitted by districts that are in the process of consolidation, this would not be a concern.

In conclusion, I support this legislation and applaud your efforts. I feel that it can be of great help to us as we attempt to restructure our schools for the 21st century. Thank you for the opportunity to share my thoughts.

Mr. **Poshard**. Thank you, John, we appreciate the testimony. And, we will now go to Mr. Lovall.

STATEMENT OF LAWRENCE LOVALL, SUPERINTENDENT OF SCHOOLS, MT. VERNON, ILLINOIS

Mr. **Lovall**. I want to thank you both for the opportunity to talk to you this morning. To give you kind of a background as to where I am coming from, I am presently the Superintendent of Mt. Vernon City School, which is an elementary school district in Illinois.

Before that I served as a Superintendent of a unit school district, a K through 12 school, and I was a Chapter 1 Director in Decatur. I did serve as the Principal of a large central city school prior to that.

I have some familiarity then with the problems that are associated, I believe, with educating the Chapter 1 population. The problems that are associated with education of the regular population, and the special education population, and at several different grade levels.

I see your bill as a boon to meeting some of these problems. I think that one of you, when you began this hearing, mentioned the fact that this is a beautiful campus. I agree with that.

I can remember spending some time on this beautiful campus as a student, and many years ago, writing a paper that was not well received by my professor, in which I said what this nation lacks is a national plan for education, and I think we still lack a national plan for education.

I find these exciting times, because I think maybe we are moving toward a national plan for education. I see your bill as somewhat fitting into that kind of concept.

I think that we, by in large, lack a state plan for education, in the State of Illinois. And, I think that one of my efforts is to put together a local plan for education in the Mt. Vernon city school system.

So, I think that what we are at here is planning to restructure and reform education.

And, I did listen a while ago to Ms. Farrar's statement, and I agree with this, that much of what we have done has been an attempt to restructure or reform within the present structure and form, and I underline and highlight the "within."

I think it is time that we think about the word "reform."

And, even thinking in terms of, I guess, of the Aristotelian model of the universe, where he thought that everything was prime matter, and that it took a form, or was given a form; and, if you think about reforming this glob of stuff that we call education, I think that when we are putting any new structure in, perhaps we can deal with the model that was developed in the 1890s and built on for the twentieth century.

But, beyond that, I do not mind the paper work. I would strike that from the bill. Paper work is part of our job, it is part of what we have to do. I think that we need a new system of accountability in the reform and restructuring of education.

Our district has an accelerated school, and this is somewhat like the essential school. Part of this idea is to restructure education, and I sat down and I thought about what this would mean in the Mt. Vernon city schools, as far as restructuring an elementary school and really getting done what has to get done for our kids.

And, during this thought process, I thought that we have two levels of accountability, or we are approaching two levels now.

I deal daily with the accountability that was developed during the 1800s, that is, my school system is funded through an average daily attendance type of law. And, we think about that. I have to have five hours of instruction every day. What does that really mean? And, that is a regulation. That is a law, really, in the State of Illinois.

So, that means that I have to have certificated teachers for X numbers of pupils, not defined in the State of Illinois, but now a matter of negotiations with our teacher organizations and union.

And, if I went out of that box, could I design something other than five hours, or 130 minutes a day instruction, with one teacher for X number of children, for 176 days, to provide a different type of education in this elementary school that we now call an accelerated school?

I bet you I could. I think that we have a dedicated staff at this school. I was somewhat dismayed, I suppose, by some of the testimony here, where educators are viewed as people of ill will, and, in a sense, not knowledgeable.

But, I do have a dedicated staff. They would like to design something other than what we have.

So, it becomes as basic as that when it comes to the state regulations. And, then on top of this, we do have the Federal regulations. And, I have spent many hours dreaming about what I could do with, and I will put this in my written testimony, what I could do with the drug money.

And, you see, I think, Mr. Poshard, you served, you said, during the time when you had this reformation bill in the State of Illinois, and it often seemed to me, and perhaps you are aware of this, that at the last minute we threw money at reading in the State of Illinois, the improvement of reading.

And, I take it just as that. That we often throw money, and say, do something with it now folks. And, that is what we are doing with the drug money right now.

I am not against the drug money. I am going to get all I can, but I wish I could put some of it together for better use.

My Assistant Superintendent said the other day, "Larry, what we are going to do is put some of this into a counselor." And, I agree one hundred percent, but I cannot, I cannot buy a counselor with this, because part of my job is to make sure that I am reading and following all the regulations that come along with it.

So, these are some of the frustrations. So, what I would suggest, then, and I do not have any new language for you, I think that your bill is one hundred percent on.

I did read in one of the papers that Mr. Smith wrote—the language that perhaps may address one of the problems that you said you may face—a while ago, and that is that H.R. 3347 does not, and underline not—and I think that is simple English language—

mean local ability to disregard or neglect any program for disadvantaged students. I could not agree more.

But, without this kind of legislation, and without this kind of approach and restructuring, I think we are headed down the path, and I think we all know this, of a system of the "haves and haves nots" in this country.

And, these good people who talked about education of the disadvantaged and the handicapped are going to be very much more sorry, because these people are going to be the first to go down the tubes. We all know how that happens.

So, we need to be able to restructure this. We have to be able to develop better delivery systems. We are going to have to bring in the whole ball of wax.

I agree one hundred percent that there should be something in here about parents and parent involvement.

I think that some of our better programs in pre-school education now are seeing the results that we have seen because, and this is what got me to thinking along the lines I was thinking anyway, seeing some of the results that we have, because we involved from the beginning the parents in the development of educational programs for their child.

I am thinking about Head Start, I am thinking about the prekindergarten initiative that was a good part of the educational reform bill in this State. So, I think that is one hundred percent right on the mark that we do have to think about that.

Thank you. That is the end.

[The prepared statement of Lawrence Lovall follows:]

MT.VERNON CITY SCHOOLS

DR. LAWRENCE LOVEALL, Superintendent
1722 Oakland Avenue
Mt. Vernon, Illinois 62864

MEMORANDUM

To: Subcommittee on Elementary, Secondary and Vocational Education

From: Lawrence Loveall, Superintendent

Date: March 5, 1990

Re: H.R. 3347, Educational Performance Agreements for School Restructuring Act

Elementary and Secondary Schools need H.R. 3347 or a similar vehicle which will allow us to develop a new level of accountability--an accountability based on results and outcomes rather than on time spent.

Part of my role as a superintendent of schools is to see that local, state and federal funds are used in ways specified by the regulations governing each. Another part of my role has been that of a grantsman. I have written or directed the writing of proposals to obtain funds for drug education, early childhood education, urban education, staff inservice and every type of education that we believe will enhance our chances of developing a better school system for the students of Mount Vernon City Schools.

Often when these grants are received, I have thought that it is a shame that the rules and regulations governing the new programs and the non-competitive programs funded by the state and the federal government will not allow us to pool the resources to do what is really needed. For example, the school district recently received $6,500 in "drug money" through a cooperative competitive grant. I would like to pool this money with some other "drug money" received though the State of Illinois for staff development to hire a counselor for the school district, but the strings attached prevent this. In this instance, as in many others, the requirements to spend the funds in specific ways prevents us from spending them in the most effective way. This is why H.R. 3347 or a similar vehicle is needed.

Mr. POSHARD. Thank you very much for your testimony. Mr. David Hindman, the Regional Superintendent of Schools for Williamson County.

STATEMENT OF DAVID HINDMAN, REGIONAL SUPERINTENDENT OF SCHOOLS, WILLIAMSON COUNTY

Mr. HINDMAN. Mr. Chairman, and member of the committee, Congressman Smith, I would also like to welcome you to beautiful Southern Illinois, and I would like to take credit for the weather, it is pretty outside.

I deeply appreciate the opportunity to appear before you, and to address legislation under consideration to establish a National Demonstration Program of Educational Performance Agreements for School Restructuring.

As background, I speak from a perspective of one of 57 Superintendents of Educational Regions in Illinois, ESRs. Superintendents are elected to four year terms of office directly by the voters of the counties, or multi-county regions we serve.

We are the only elected professional in our state. And today with me I have some of my colleagues that I would like to mention.

I have Superintendent Russ Masoneli from Macoupin County, he is our chairman of our legislative State organization.

We have Barry Colt from Franklin County, ESR. We have Dr. Andrea Brown from the southern counties of Regional Superintendent Jerry Johnson's office.

And, then to your right, my assistant Dale Ridge. And, we appreciate them being here.

My colleagues and I share your perception of the frustration that is felt by teachers, administrators and other local educational officials with the complicated, burdensome and often overwhelming procedures that are associated with federally funded educational programs.

Since we work directly with the professionals, and, in fact, give them assistance in meeting the various requirements, the situation is one with which we are very familiar.

But, even more frustrating than paper work, of course, is the feeling the decisions affecting the programs designed to benefit the school children in a given locality, are made by individuals who are far away and without regard to the level of professional expertise, and unfamiliar with unique characteristics of the specific areas in which such programs are implemented.

If there is anything we have learned in education over the last few years, it is that one size does not fit all. When we attempt to impose a complex, heavily detailed and rigid plan on every school and every child, we find that, in many cases, the results are less than what we desire. In fact, the results are often counter-productive to our educational goals.

I would commend the sponsors of this proposed legislation as well for considering the need for accountability in the outcome in the federally funded education programs, certainly, it is one of the arguments for more locally input, that the programs would become more efficient and effective as a result.

And, the winds of change, which blow strongly across the educational environment of my state today, carry a clear call, a demand for accountability. I would suggest in that regard, that sociological factors which are peripheral to education, but which effect the measurements of programs outcome, be considered in the development of the process of independent evaluations which this legislation encompasses.

Now, I would like to share some thought with you on the matter of local input and program implementation.

In Illinois, we have nearly 1000 individual school districts. As in the case in all other states, we have addressed the problems which would arise if a single, monolithic state bureaucracy were to interact directly, in every instance, with each individual district by the creation of an intermediate level of educational service delivery.

In Illinois, as in the case with some other states, our system of intermediate delivery is one which is democratic. We have 57 educational service, ESR, regions, serving all of the state's 102 counties, with ESR under the administrative authority, and elected educational professional.

A key element of this structure is the word "professional." No candidate is eligible to hold a vital position in our structure of education, unless he, or she, has been a teacher, has acquired specific educational credentials and has served in a supervisory, or administrative position, in a certified public school system for a specific number of years.

But, the elected element of this structure is equally important. Each ESR Superintendent must face the voters of his region and be elected to the office. He, or she, must know, or be known by citizens, in general, in the educational community of his, or her, region.

By these two criteria of documentable professionalism and direct accountability to the people, and to the institution at the front line of education in our State, the objectives of performance, capability and accountability for results are achieved.

It would be my strong suggestion that, in the implementation of the legislation under consideration, professionals at the intermediate level of educational systems of the various states be brought into the process for the benefits that can be derived by their playing a major role.

In Illinois, for example, the ESR Superintendents have the local visibility and respect to be the initiators of the processes in which the various local school districts' six year plans can be constructed.

There would even be instances, for example, when such regional input might create a kind of balance among the plans created within a multi-district area. A balance in which there would be a complementary relationship between the plans of one district with those of neighboring districts.

Regional Superintendents in Illinois are well positioned for a positive role in the monitoring and evaluation process as well. Certainly, we are bound by state statute to provide direction and even to exercise control in gaining compliance with standards and in achieving the results that are up to community expectations.

The objective is achieved in Illinois by virtue of the Regional Superintendent's position in education as a leader who is also subject to the will of the electorate.

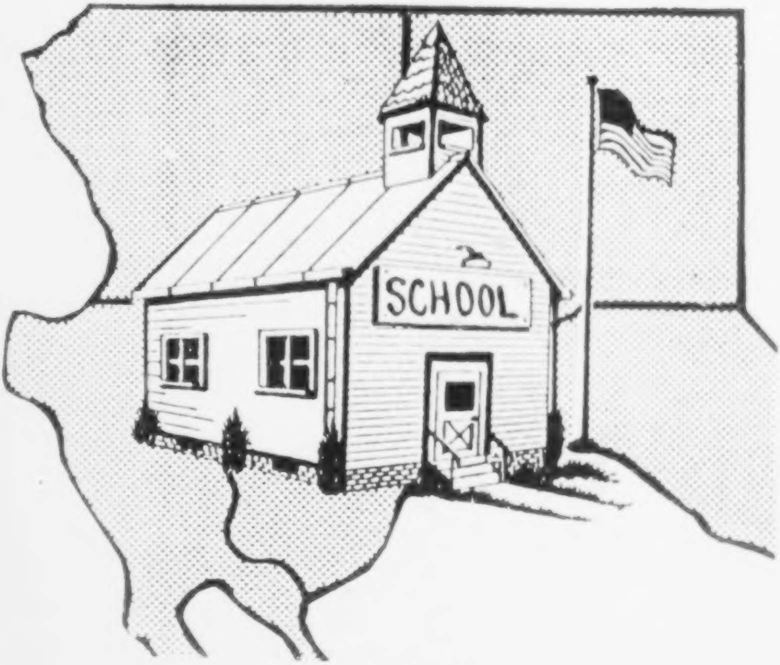
These factors provide the motivation for the official to approach his job in an attitude of service and cooperation, as opposed to an autocratic or cold bureaucratic mode. We have evolved over the decades to become the best friend that a teacher or school system could have.

In summary, it is my view that in the implementation of this new and promising approach to federally funded educational programs, that the intermediate level is considered, where possible, as a major participant. We have a great deal to offer and we are already in place as an integral part of any successful educational system.

On behalf of my colleagues and our partners in a most challenging and fulfilling professional endeavor, educating of our children, let me thank you again for your concerns, for your willingness to take action and for your success in developing an initiative which seems to promise so much for education. Thank you.

[The prepared statement of David Hindman follows:]

Williamson County Educational Service Region



David W. Hindman
Regional Superintendent of
Schools
Williamson County
Dale Reach
Assistant Superintendent
Courthouse
Marion, Illinois 62959

PRESENTATION BEFORE OFFICIAL COMMITTEE HEARING OF EDUCATION AND LABOR COMMITTEE OF THE CONGRESS OF THE UNITED STATES.

MARCH 5, 1990 --- CARBONDALE, IL

I appreciate the opportunity to appear before the Education and Labor Committee to present testimony on this most important topic of developing a six-year plan to allow participating schools the opportunity to choose the best educational means of distributing and accounting for federal education funds. There is a definite interest in the legislation under consideration which proposes to establish a National Demonstration Program for Educational Performance Agreements for School Restructuring.

As background, my presentation is from the perspective of one of fifty-seven superintendents of Educational Service Regions in Illinois. The Office of the Regional Superintendent of Schools is the intermediate agency between the Illinois State Board of Education and the various local school districts in the region. The Regional Superintendent is the chief school officer for the region (in this case, Williamson County), and is required by law to "act as the official advisor and assistant of the school officers and teachers in his county. In the performance of this duty he shall carry out the advice of the State Superintendent of Education." Until April 1, 1973, there were 102 county superintendents in Illinois, one for each county. In 1973, that number, by consolidation of smaller counties into regions, was reduced to 78. In 1977, there was further consolidation of smaller counties, and the number of regions was reduced to 57. ESR

Superintendents are elected to four-year terms of office by the voters of the county or multi-county regions served. Today, a county must have a population of 33,000 to exist as a region. The Regional Superintendent of Schools is the only elected educational professional in the state of Illinois.

The financing of public education and schooling in the United States represents the basic economic problem faced by all people and all societies --- scarcity. This scarcity is an outgrowth of the fact that societies have unlimited desires and only limited resources available for fulfilling those desires. It is important, therefore, for educational leaders to have an understanding of the close relationship between economics and schooling if the complex problems of educational financing are to be solved.

Revenue for operating the nation's schools generally comes from local, state or federal tax bases. Since responsibility for providing for education is a function of each state and local community, there is no overall formula for financing education. Each state and local community decides its own method of organizing and financing its schools. In most states, the major source of revenue is from local taxes, with property taxes making up the major share of local revenues. Sales and income taxes comprise the two major sources of state revenue for financing for schools. The federal revenue comes from funds generated by the federal income tax, which, like most state income taxes, is progressive in that the rate of taxation increases with income. Federal financial support for schools is generally aimed at specific educational needs and is initiated by congressional legislation.

Applications which the Regional Superintendents receive and prepare for securing educational funding from the Federal government have often been met with overwhelming forms to complete in complicated applications. My colleagues and I share your perception of the frustration that is felt by teachers, administrators and other local education officials with the complicated, burdensome and often overwhelming procedures associated wtih federally-funded programs. Since we work directly with these professional educators, and in fact give them assistance in meeting their various requirements of their educational position, the situation is one with which we are very familiar.

I would commend the sponsors of this proposed legislations for considering the need for accountability in the outcome of federally-funded educational programs. This is certainly one of the primary arguments for more local input and program administration where those programs would become more efficient and effective as a result. . As a result of recent educational events in Kentucky and Texas, the winds of change which blow very strongly across the educational environment of my state carry a clear call--a demand for accountability.

With regard to local input and program implementation, I would like to share with you some of my thoughts. In Illinois, we have nearly 1000 school districts. Our intermediate delivery system consists of fifty-seven Educational Service Regions (ESR). These serve the states 102 counties, with each ESR under the administrative authority of an elected educational professional.

The key element here is the word "professional." No candidate is eligible to hold this vital position in our state educational structure unless he or she has been a teacher, has acquired specific educational credentials, and has served in a supervisory or administrative position in a certified public school system for a specified period of time. Each Superintendent must know and be known by the citizens in general and the education community of the region, and must face the voters of his region and be elected to office.

Through these two criteria of documentable professionalism and direct accountability to the people and educational institutions of the state, the objectives of performance capability and accountability for results are achieved.

It would be my recommendation, therefore, that in the implementation of the legislation under consideration, professionals at the intermediate levels of the educational systems of the various states, and specifically the Regional Superintendents of Schools in Illinois, be brought into the processes for the benefits that can be derived by their playing a major role.

In Illinois, for example, the Educational Service Region Superintendents have the local visibility and respect to be the initiators of the processes in which the various local school districts' six-year plans can be constructed. There would be instances, for example, when such regional input would create a kind of balance among the plans created wtihin a multi-district region. This balance would be a complementary relationship between the plans of one district with those plans of a neighboring district.

Regional Superintendents of Schools of Illinois are well-positioned for a positive role in the monitoring and evaluation process as well. We are bound by state statute in Illinois to provide direction and to exercise control in gaining compliance with standards and achieving results that are up to community expectations. This objective is achieved in Illinois through the Regional Superintendent's position in education as a leader who is also subject to the will of the electorate. These factors provide the motivation for the official to approach his job in an attitude of service and cooperation as opposed to an autocratic or bureaucratic mode. We, as Regional Superintendents of Schools in Illinois, have evolved over the decades to become the best friends that a teacher or school systrem could have.

In summary, it is my view that in the implementation of this new and promising approach to federally funded educational programs, the intermediate level is considered in Illinois, as a major participant. We have a great deal to offer and we are already in the place as an integral part of any successful Illinois educational system.

On behalf of my colleagues and partners in a most challenging and fulfilling professional endeavor, educating of our children, let me thank you for yor concern, your willingnesss to take action, and for your success in developing an initiative which seems to offer promise for education.

Mr. **Poshard**. Thank you, Dave. A few questions that I would like to just begin with.

John, you brought up an important point that I hear often enough, and that is, in programs that are formula driven, especially Federal programs, where you are, in essence, mandated to spend a certain percentage of the money on this particular item and other percentage on this, and so on.

It is true what you said. It is the use it or lose it philosophy that occurs too often in the administration of those programs.

If you see by April the 1st, or whatever, that you have got quite a bit of money in this line item that you really did not need this year, because maybe your local priorities to serve the needs of those students did not pertain to your spending a lot of money in that area, you either spend that money, or you send the money back, and lose it to the district.

Does it not make more sense to give you the flexibility, instead of somebody in Washington saying, here is the formula, and here is the percentages you can spend on these different things, to say, here is the funds, now, achieve the goal, but you may be able to move that money around a little bit to meet your own priorities. Is that helpful or hurtful, I do not know?

Mr. **Davis**. I think your statement is absolutely correct. It is very unfortunate that we get in this spending frenzy in the spring of the year.

Just this last week, I received in my office notification from the Chapter 1 office that our carry-over funds have reached the point that if we do not, we can accumulate, as you well know, a certain percentage of our money in Chapter 1.

In an attempt to implement a long range plan, we do not spend every Chapter 1 dollar each year. And, now, we are to the point that we have accumulated enough dollars that we are going to have to spend money on equipment, between now and the end of the year, or, send that money back to Springfield and into the Federal Government.

We will choose wisely, but it would seem to me there are so many other areas in which that money could be used more effectively with the same students——

Mr. **Poshard**. Right, exactly. It is equally true, while at the same time you may have more than you need in one area, you might have less than you need in another area.

Mr. **Davis**. That is correct.

Mr. **Poshard**. You just need the flexibility to meet your objectives by switching some of those funds around, so that you do not spend it needlessly.

Mr. **Davis**. Yes.

Mr. **Poshard**. So, that is what you mean by the "use it or lose it" syndrome?

Mr. **Davis**. That is correct.

Mr. **Poshard**. Dave, you were going——

Mr. **Hindman**. One other thing, Congressman, on Chapter 1, we have the ability to buy certain equipment to go along with Chapter 1 eligible students. Once that student uses that equipment, it sits idle.

We cannot use that in a regular classroom, or we cannot even use it for adult population on literacy, and that would be one are where you might be able to relax the regulations that would allow us to use this equipment which is just sitting there.

Mr. **Poshard**. Okay. Dave, did I understand you to say that you consider one of the problems we have here, as you heard from the folks who represent the special needs population, is that they want to be assured that we are not abdicating the law, or our responsibilities in making sure those students are provided for according to the law.

Are you saying that the Educational Service Regions, in your judgement, will take a role in making that assurance, because you do have responsibility over the schools under you in making sure the law is carried out?

Mr. **Hindman**. That is correct, Congressman. The ESR has general supervision over all schools and, not only do I sit in on that, I am on the Special Education Co-op Board. As you are well aware, especially a co-op must pay for litigation against them if it is deemed that they have done something wrong.

So, I see no problem with this implementation under this new law that would allow any Federal law that is already in place to be sidelined or anything like that.

Mr. **Poshard**. Mr. Lovall, you gave a classic example of what we are talking about here, in terms of the drug money. You determined that what your school needs, as much as anything of a priority nature, is a counselor to help some of the children, but you cannot use the money to hire a counselor.

Mr. **Lovall**. That is correct. I have several different grants, some from the State—well, they are all Federal money that is filtered through the state—but there are several different grants, and I cannot put them together. If I could put them together, I could hire a counselor, but I cannot hire part here, part there and part there, because they are directed at this, that or the other thing.

The other day my assistant came in and he said, "Can I use some of this money for literacy?" And, I said, "Well, it would seem to me that this might follow, in my mind, that if we would encourage literacy, we would combat drugs, but that is not the way this grant is written." So, I cannot use it for literacy, either.

Those are the strings attached. And, another example—and this is a State program, is the Reading Improvement Program—at least in the districts I am familiar with, we have avoided using the money to the maximum degree necessary, because, first of all, the law was going to sunset, and then, because the law says that in order to hire teachers we are only going to pay two thirds of a beginning teachers salary.

So, in many districts this is devoted to things other than the best possible uses. The strings that are attached to the categories, et cetera, that are funded.

What I am trying to push here, I would like to come back to that, is a different level of accountability. Let us call it outcome accountability, for lack of a better word, I do not have a better word.

But, instead of regulations regulating what I can spend on, and how much time I must devote to the school year, the school day, et cetera, et cetera, give us a chance to say that we will bring these children along, whether they be handicapped children, or un-handicapped children, if there is such a person.

I think we all have our handicaps, some of us just have not had labels developed for our handicaps, perhaps. If we say we are going to bring these children from here to here, and perhaps even do a little bit better, you have something that is—and we have the measurements to do that in modern day education with the computer technology, et cetera, that we have, that we have a different set of accountability.

We kind of revolve around this once in a while in the state. It began, I think in the 1970s, with the education plan that you said we are all still obliged to keep up, and it comes back again with the new education reform and, now, we have this slogan out there, "outcome based education," but we do not do anything about it.

We keep sticking with the old tried and true method of so many days attendance equals so many dollars. And, that is my main focus.

Mr. Poshard. Peter, did you have some questions?

Mr. Smith. I have a couple of things. I appreciate your mentioning the Essential Schools Coalition, and, of course, there is that recent article in *U.S. News World*, or was it *Business*.

I think it was*U.S. News and World Report*, and when Dr. Sizer was asked to comment on this legislation, for an article in *Congressional Quarterly*, he basically said he thought it was too timid, and was not worth doing.

And, I have known him for a number of years, so I called him up and said, geez, what are you talking about? We are over here getting pinned to the wall on one side because it does too much and, in fact, we had gone through a couple of re-drafts.

So, I sent him a re-draft, and he looked at it and wrote me back and said, still, this is worth doing, and I appreciate you confirming that today, but he said it simply does not go far enough, and I said, well, okay, fine, but I am interested to have that kind of testimony, at the same time we are getting other.

Your comment on cooperatives and consolidations, one of the reasons that the local—what I now call in my own mind, the local performance agreement, the Educational Performance Agreement—was put together at the local level, if left as flexible as is, it could be within a school, it could involve a school, it could involve a district. And, the idea is that nobody will know, until it starts, where the idea is going to come from and who is going to buy into it.

And, the analogy, in the business sector, would be the skunk works, would be large business now, basically, create pots of money and opportunities for their employees to simply re-invent the business.

And, somehow, we wanted to create the same possibility, or thought that educators, and parents and school people in local areas could re-think and re-invent their business as the need arose, and not in response to something that was determined from the top.

So, as you put together a proposal, were this bill a law, as you say, if you had, I am not sure it is an anomalous situation, but the kind of position you hold, David, or you had the issue of consolidations, or cooperatives, those are going to differ from state to state, from school to school, from region to region, you can build them in?

Similarly, we do not deal with the issue of teachers unions, because this is neither a union busting nor a union confirming bill. You have the operation that you have.

Obviously, as you put together a plan for a different, and a dramatically better school, which is the intention of this, hopefully, you have to talk, by definition, to the major players in order to get the thing, in the end, approved by the school board, which it has to be approved by.

So, we have left those things, if you will, unstated. Simply because there are two ways you can go, inclusive or exclusive, and we tried to be inclusive in our language, rather than trying to list, for the country, all the different kinds of innovations, all the different kinds of possible situations and caveats that ought to be put into this bill.

And, I think your two examples confirm that we are, in some regards, on the right track.

I would be pleased if we could get a little more conversation on the issue of parental involvement at two levels: one, if there is parental involvement of an agreement, a proposal for an agreement, the agreement has to be approved by the State chief, where you create the plan and the proposal.

And, then there is the parental involvement in the implementation. In other words, as it happens. Head Start is the best example I know of.

Parents were not included, as I understand it, in the overall development of the Head Start Program when the legislation was written, but the legislation mandated that parents be involved in the education of their children. So, that was more of the second form.

We have left it, again, generally, believing that we do not want to create a mini-bureaucracy at the local level, where we have to have three teachers, two businessmen, five superintendents, two school board members, four parents, who then sit down and say, well, what kind of change should we have in our school.

They are instructed by this program to select the legitimate and necessary constituencies that need to be involved for educational, community, political or other purposes, and proceed with those constituencies, without having a locked in, one size fits all, every educational performance program has to have the same predetermined members, because we think that would, in a sense, make it far more difficult.

So, my question, how can we create language? Can you help us with a language that gives people not only confidence, but a guarantee that they are not going to be, as a result, left out in the cold?

Where can the community get a swing at the school board meeting, at the public hearing? How can we guarantee it?

Mr. Davis. Congressman, that is why I referenced the early 1970 effort that we had in the State of Illinois. The Comprehensive Program Plan requirement that was initiated in the early 1970s may well be worth looking at again.

I would be happy to send that to you, Congressman——

Mr. Poshard. Are you talking about the OA 160 plan——

Mr. **Davis**. The OA 160 plan, it was called a Comprehensive Program Plan. It really took some serious knocks from people, because of the mandate and format that it took.

Communities were not involved in the developing of the concept, but were given the opportunity to develop the local plan. That model is a good model.

Districts were required to involve their community in goal setting and in the forming of mission statements.

Rather than going over that whole thing again, I think it would probably be beneficial to you to take a look at that.

Mr. **Poshard**. We will get a copy of that. I will share that with Peter, John. I am glad you brought that to my attention. That had some good community cooperation efforts in it.

Gentlemen, we thank you for your testimony, and for your willingness to testify before the subcommittee.

We have one final panel, two people, Dr. Bill Eaton, who is with the Department of Education Administration and Higher Education at Southern Illinois University.

And, Dr. Thomas Oates, Superintendent of Schools at Marion, Illinois, representing The Illinois Association of School Administrators.

Bill, I know that you and Tom both have a tremendous background in education and educational administration, and we are very grateful that both of you have volunteered to testify before the committee today. So, we will begin with Dr. Eaton.

STATEMENT OF WILLIAM EATON, DEPARTMENT OF EDUCATION ADMINISTRATION AND HIGHER EDUCATION, SOUTHERN ILLINOIS UNIVERSITY

Mr. **Eaton**. Thank you. I think it would be remiss, Congressman Smith, if I did not take a minute here, in my opening comments, to point with some pride to the fact that all three members of the previous panel, and the gentleman to my left, and the gentleman to your left, are all graduates of the programs of the Department of Educational Administration and Higher Education.

Mr. **Smith**. You have a great deal to be proud of.

Mr. **Eaton**. The literature of management over the last fifteen years has been dominated by a single theme, decentralized decision making.

Tom S. Peters, author of "Search For Excellence," along with other writers, has equated the loss of effective management in corporate America with its efforts to struggle along with outmoded concepts of centralized authority and monolithic hierarchical structure.

More effective, such writers will argue, are management models which include worker involvement through quality circles, the placing of supervisory personnel closer to the production activities, the participation of workers in strategic planning, and, in general, the compression of the traditional vertical decision-making apparatus into an integrated horizontal structure.

The field of education, and educational administration in particular, has been influenced by these trends.

We have moved toward shared governance with the growth of collective bargaining, we have experimented with career ladders and peer evaluation of instruction, which are examples of moving supervision to lower levels, and we have attempted to empower teachers and building-level administrators with concepts of site-based management.

Within our own Sate of Illinois, we are attempting to reform education in the City of Chicago by diminishing the central authority of the Board of Education in favor of local authority constituted in school councils. Clearly, American education has seen the value of decentralized management.

I have painted this small portrait for you, because I believe the bill before us today is in keeping with that spirit of decentralized management and that its provision will be to the best interests of school districts and the children they serve.

The bill promotes local strategic planning, encourages broad-based participation, and requires priority setting. It does these things that are important to the compression of the authority structure, while at the same time preserving accountability.

This bill will allow diversity, while assuring compliance. This bill will allow local response to local situations with a minimum amount of red tape.

It will, I believe, relieve the bureaucratic regulatory authority which has strangled the schools' efforts to proceed with its educational agenda on behalf of the handicapped, the economically disadvantaged, the at-risk, and those students interested in vocational training for the twenty-first Century.

I support this bill, and encourage its sponsors to work for its adoption.

[The prepared statement of William Eaton follows:]

Testimony of William E. Eaton,
Chair of the Department of
Educational Administration and
Higher Education 03/05/90

The literature of management over the last fifteen years has been dominated by a single theme--decentralized decision making. Tom S. Peters, and other writers, have equated the loss of effective management in corporate America with its efforts to struggle along with outmoded concepts of centralized authority and monolithic hierarchical structure. More effective, such writers have argued, are management models which include worker involvement through quality circles, the placing of supervisory personnel closer to the production activities, the participation of workers in strategic planning, and, in general, the compression of the traditional vertical decision-making apparatus into an integrated horizontal structure.

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I support this bill, and encourage its sponsors to work for its adoption.

Mr. **Poshard**. Thank you, Dr. Eaton for your testimony. Before we move to Dr. Oates, I just want to make mention that we have been joined for the entire session, this morning, by our Assistant State Superintendent of Education, Richard Hendee, who is sitting right back here in the back, and we appreciate your being here, Dick. Dr. Oates.

STATEMENT OF THOMAS OATES, SUPERINTENDENT OF SCHOOLS, MARION, ILLINOIS

Mr. **Oates**. Chairman Poshard, Congressman Smith, my name is Tom Oates, and I am superintendent of Community Unit 2 School District in Marion, Illinois. I thank you for the opportunity to express my opinions on H.R. 3347 and on the need to reduce the regulatory obligations that public schools must contend.

I am a past president of the Illinois Association of School Administrators, and I believe my comments would represent a position they could support.

The proposed legislation is a breath of fresh air for school administrators and their faculties. The relief from specific compliance with literally thousands of pages of codes, laws, regulations, rules, guidelines, manuals, instructions, suggestions, requirements, etc., will probably lengthen the professional life of school personnel dramatically.

The proposed legislation is innovative, and the time is ripe——

[Laughter.]

Some of you are slow, I understand, and the time is ripe for new solutions to old problems. The response to various demands from both the state and Federal level for school improvement has sent mixed signals to schools.

On the one hand we see governmental cooperation and attempts to help, while on the other hand we see ever escalating paper work and regulations accompanying these attempts.

It is important for your subcommittee to realize that Federal regulations are often made more stringent by state agencies before they are ever given to local districts.

True deregulation must provide relief from both Federal and state agencies, and emphasize the need for local districts to be responsible for student performance.

Example: In Illinois, the state rules and regulations for special education are much more stringent than Federal rules and regulations. This requires local districts to spend more time and money on activities not associated with instruction and student services.

Research indicates the crucial role that teachers, parents and community have in providing appropriate educational experiences for children. This legislation requires the full and equal participation of all school constituencies in the improvement process, and I support this approach.

The proposed legislation is appropriate in that Federal and state regulations currently use withholding of funds as a club to force districts to comply with sometimes burdensome regulations. This legislation should reduce this problem dramatically.

The proposed legislation recognizes the need for professionals to be given time to think and plan for long range improvement actions versus the usual stop-gap, short term responses to immediate crises.

This type of strategic planning activity will provide educators and others the opportunity to develop schools that truly foster excellence for all children.

Inasmuch as requirements of the proposed legislation call for geographical distribution of participating districts as well as distribution between rural and urban areas participating, I want to emphasize the willingness of Community Unit School District No. 2 to become a part of this unique educational performance agreement program.

Participation in the program to be implemented with the passage of this legislation would provide further opportunity for local districts to show the increased benefits to students that can be accomplished through viable restructuring efforts.

We would be willing partners in efforts to show that a reduction in the staggering amount of paper work now demanded of the schools in return for Federal and state dollars will allow local districts to focus more attention and resources on the task of increasing student performance.

I thank you for the opportunity to appear this morning, and I would be happy to try to answer any questions that you might have.

[The prepared statement of Dr. Thomas Oates follows:]

TESTIMONY OF

THOMAS K. OATES
SUPERINTENDENT OF SCHOOLS
COMMUNITY UNIT SCHOOL DISTRICT NO. 2
MARION, IL

H.R. 3347

PRESENTED TO THE

SUBCOMMITTEE ON ELEMENTARY, SECONDARY AND VOCATIONAL EDUCATION

THE HONORABLE AUGUSTUS F. HAWKINS, CHAIRMAN

9:00 A.M. - SOUTHERN ILLINOIS UNIVERSITY STUDENT CENTER
MARCH 5, 1990

Comments Concerning H.R. 3347

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The proposed legislation is innovative, and the time is ripe for new solutions to old problems. The response to various demands from both the state and federal level for school improvement has sent mixed signals to schools. On the one hand we see governmental cooperation and attempts to help, while on the other we see ever escalating paperwork and regulations accompanying these attempts. It is important for your subcommittee to realize that federal regulations are often made more stringent by state agencies before they are given to local districts. True deregulation must provide relief from both federal and state agencies, and emphasize the need for local districts to be responsible for student performance.

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Thank you for the opportunity to appear this morning. I would be happy to answer any questions you may have.

Mr. Poshard. Thank you, Dr. Oates. Let me make mention of the fact that Margie Doolen is here, she is a Member of the Illinois Coalition for Quality Vocational Education. Margie, where are you.

Ms. Doolen. Right here.

Mr. Poshard. Okay. Do you want to come forward? We are going to accept your written testimony, and then, any questions that you have, we are going to try to answer, maybe here in this exchange as we go along, but for some reason or other, we did not know you were coming, we did not get you on the list of people who were to testify.

STATEMENT OF MARGIE DOOLEN, MEMBER OF THE ILLINOIS COALITION FOR QUALITY VOCATIONAL EDUCATION

Ms. Doolen. I did not know that the hearing was going to be here until very late Friday afternoon. So, I showed up, uninvited.

Mr. Poshard. That is okay. You are invited to come to the hearing, but we have to know in advance the folks who want to testify, because that is the only way we can control the time element. So, can we just accept your prepared testimony, and then, any questions that you want to ask us here we are prepared to answer.

Ms. Doolen. You certainly can.

Mr. Poshard. Okay. And, we will get back to you written statements on these questions that you have asked. Okay. We can do that. All right.

Ms. Doolen. I would appreciate that.

[The prepared statement of Margie Doolen follows:]

TESTIMONY PREPARED FOR HEARING ON HR 3347

HEARING: MARCH 5, 1990

DELIVERED BY: Margie Doolen, Member of the Illinois Coalition
for Quality Vocational Education

Good Morning. I represent the Illinois Coalition for Quality Vocational Education and the educators who are members of this organization. Thank you for this opportunity to present testimony.

You are to be commended for your support of education and in particular for your support of vocational education.

I am not here to oppose HR 3347 but I am here to ask questions about the way it is worded and what is intended to be accomplished by it.

For Example:

- The purpose of this bill appears to be to establish a national program for performance agreements for school restructuring.

---What kind of school restructuring are these agreements intended to demonstrate?

- Under Section I part (b) Purpose.----The act appears to state that the purpose is to establish a national demonstration model for educational agreements that would allow Federal, State, and Local funds to be consolidated to permit local schools more flexibility to implement innovative programs in order to achieve higher performance levels in schools.

---What kind of performance levels is this referring to? Higher math and reading scores? More high school students graduating? More graduating students being employed or going on for more training?

- In Section 2 Part (A) It appears that the act states that these performance agreements may consolidate Federal, State, and Local funds from nine different sources so long as: Peoples civil rights are protected, peoples safety is not affected, and the funds are not diverted for private use.

~~Peoples civil rights are protected peoples safety is not affected the funds are not diverted for private use.~~

---Does this mean that if a school received Carl Perkins monies through one of these agreements, it could take all of this money and design an innovative way to deliver Vocational Education by:

* Updating teachers knowledge of todays work place technology during year 2.

* Purchasing state of the art equipment during year 3
* Purchasing all new curriculum and instructional materials during year 4
* Evaluating its effectiveness during year 5 and 6

Or does it mean

---That the school could take the money from all nine of these sources of funds and pool it and spend it on something innovative?

For example, could all of money from these nine sources be spent for teen pregnancy prevention? or drug education?

This is not clear.

How will these programs be evaluated? Will they be evaluated at the Federal and state levels or will evaluation be left at the local level?

While I believe that the intent of the act is honorable I feel it could have many political ramification. I would be concerned that people who do not have a great deal of expertise in a particular area could develop creative but not necessarily educationally sound programs in order to increase funding in an area of their own interest.

Again, we are appreciative of the intent to provide excellence in education but we have grave concerns as to how effective this progressive, and idealistic bill would be handled in specific areas throughout the Nation.

We ask that as this bill is being considered we be called upon for our in-put and we would volunteer our expertise in assisting you in any way we can.

Mr. **Poshard.** Let me begin by asking Dr. Eaton a question. You are a trainer of administrators, Dr. Eaton, that is your responsibility as Chairman of the Education Administration Department.

What is your opinion of the sensitivity of administrators to compliance with the Federal mandates for assuring all students, whether they be students of vocational education, or handicapped students of one kind or another, what is your opinion of administrators when they come out of your program, or other education administration programs with which you are familiar, in terms of their sensitivity to insuring that those needs are met?

Mr. **Eaton.** I think I would characterize the group of people that I have worked with over the years as absolutely determined to do the best that they know how, given the resource base that they have to operate with, to try to serve all of the various targeted groups that have been mentioned here today. I would say a genuine sensitivity.

At the same time, I think a sense of frustration. That the Federal Government, in its efforts to aid special populations, have inadvertently fragmented the educational program at the district level.

Fragmented it in ways, by providing separate guidelines, separate sets of regulation, separate pools of money, separate certification requirements for the various teachers, in such a way that we now find that we really want to attack a problem, we have this, and we have this, and we have this, and after a while it becomes too easy to throw one's hands in the air and say, the heck with it, I cannot do it.

There has been a couple of speakers here today mention the Coalition of the Central Schools. I have been active in that program. I worked as a coach with the Sparta District. And, we feel that we are trying to do some exciting things there.

It is a high school level program, we are trying to work with vocational education and do some things, and one of the greatest incentives we have had is expressed willingness on the part of the State of Illinois to say, we are willing to bend some of the rules and reg's if you can show us how your plan will cut across these fragmented segments for the good of the entire student body.

But, that is so rare. And, this is the appealing part of the measure that we are debating here today. That it gives us some incentive and, indeed, greater opportunity to explore the possibilities of moving across what is now that fragmented educational program.

Mr. **Poshard.** Thank you, Dr. Eaton, for that. Tom, I wanted to ask you a couple of points. And, part of the question I have would refer to Dr. Eaton's reference to the state rules and regulations.

You mentioned, quite heavily in your testimony, that part of the problem here is that by the time the Federal laws get down to the local level, the state has encumbered them with so many rules and regulations for carrying them out that that, in itself, becomes a burdensome thing for local administrators.

I want you to elaborate upon that somewhat? And, the other thing that I just want to ask you straight out, I mean, nobody sends me more correspondence than you do, in regard to bills, legislation affecting education.

If you had the ability, as an administrator, to form a local committee involving the broad spectrum of constituency groups that are represented by the system, parents, administrators, principals, special education folks, everybody, and we said to you, "here is the law, here is the mandates that you have to live by, in terms of the outcome for these students, but we are not going to restrict your ability to do that with the monies, or the resources that we are going to give you, you find a way to do that that is more cost effective, more efficient, complies with the law, than you currently are able to do"—can you do that? Are we advocating something here that, maybe, sounds good idealistically, but pragmatically cannot work?

Mr. OATES. First of all, I think that if we were given that challenge, I think that we would all be a little frustrated, we would all be a little scared, because there is no question we have security in rules and regulations, we have a place to put our blame, we have a place to put it when things go wrong.

But, I fully agree with the concept that if we had the opportunity in public education to face the challenge, and the challenge being, here is what we expect you to do, now, local community, you have a certain population to serve, it is going to be different than the population that has to be served in this part of the country or that part of the country.

You formulate a plan to serve that community, and what we are saying is, here is what we expect, and you define what is expected, but we leave the task of accomplishing that up to you. Yes, I think we can meet that challenge. I think you would see people in education more enthused about their jobs than ever. And, I think we would be focusing attentions where we need to be focusing attentions.

To speak to your first question, in terms of the added rules and regulations, even though I elaborated a little more at length.

I think you can talk to any school administrator, and I think you will find that in the past ten years, the amount of time spent reading rules and regulations, as has been mentioned, trying to understand what we can do, can we do this, can we do that, it is very frustrating, and we find that our hands are tied.

But our basic goal has to be to improve student performance. And, hopefully, I see this legislation as a way of focusing in on that and, hopefully, having some relief on some of the requirements that we are expected to comply with.

Mr. POSHARD. When you say, improving student performance, you are not talking about some average being raised, you are not talking about abdicating the local schools responsibility for IEPs, necessarily, for a special child?

Mr. OATES. No, sir. I think that is all part of it. In other words, that the performance of all of our students, be they those that we would classify as gifted, or those with special needs, whatever, I think we are recognizing that that is part of the population we serve, and we want to increase the performance, in whatever way, of those students.

Mr. POSHARD. Peter?

Mr. SMITH. Yes, I have two really, and then we ought to give Margie a chance to ask a couple of hers.

First of all, gentlemen, your testimony has been very helpful to me conceptually, and to the extent as you—again, I have said this to most everyone who has testified—you see language which will help us, I mean, creating this bill, what it is we are able to create verbally with people when we speak with them, diversity with compliance. That is absolutely the flavor that we are after.

We, in our legislation, in this country, are so used to mandates and specific statements, and what this is about is a power shift, literally.

The integrated horizontal as opposed to the vertical hierarchical. It is a difficult creature to describe, and I think that is one of the reasons it frightens people, and one of the reasons it will frighten educators. I think you are dead right.

But, to the extent that, as you are driving home you have an idea about some language or ways to describe it, please jot them down and send them to us.

My question is, let us say that we had this bill, but in the process of negotiating it we had to take out Chapter 1, we just said, too much heat around Chapter 1, so, Chapter 1 kids will stay, it is all voluntary anyway, in other words, whether a school does it, or what programs are involved.

But what would be the impact on Chapter 1, students—it is a hypothetical question, I understand that—if, in fact, their school undertook an educational performance agreement around them, and they were stipulated, for political, albeit education reasons, that they could not participate, that they were going to get what they have always got, what would the long run impact be on those students?

Mr. EATON. If Chapter 1 were eliminated from this bill, I think you should just scrap the bill and forget it.

Mr. SMITH. Why?

Mr. EATON. You would work at contrary purposes to what the bill is about. Substitute for Chapter 1 any one of the other groups, and I would say the same thing.

I am somewhat in concert with the expression that Ted Sizer gave to you, and that is, I probably fall into the camp that says this bill does not go far enough, but I see it as a step in the right direction.

And, I would hope that after a few years of successful operation, should that come to pass, that we could then convince others, and convince one another, that, in fact, we can take even more dramatic steps towards empowering local districts.

Mr. SMITH. Thank you for that. I think that the hope that Glenn and I have for this bill, specifically in those terms, is that rather than asking the country, or the parents of the country, to take a leap of faith, what we do is say, let us take a step, see what happens, based on what we learn from that, we may then be guided to a second and a third step.

But, so that we can lead people, and learn our way, to a different way of running schools. My answer to the question—and it is a bad teaching device and I tried to not use it when I was in the classroom—is, I think if we left Chapter 1 out, or any of the other programs out, that, in fact, those students would be seriously penalized over time. That their learning would fail, that they would be injured, and that they would fall farther and farther off whatever the value added. And that is my term, Mr. Hindman's was "immuneless," I think Bill talked about "accountability or outcome," it is "value added." We are after helping students, through learning, add value to their lives and their capacity. So, we all have our own term.

But, my sense is that if you sectioned out a program, that you would, in fact, penalize these children, because the energy in the school would then be going in the other aid programs, potentially, and they would be stuck almost on a reservation that they could not get off of.

Mr. **Poshard**. I think too, Peter, and your point is well taken, but the bill actually addresses the process, not a specific program. And, to eliminate one program and to keep every other one in, regardless of which program that is, defeats the purpose of the bill.

The process is what needs changing, not the intended outcomes of a particular programmatic offering of a school.

Mr. **Smith**. It is accepted, generally, we are talking here also, not just about Federal regulations, and the shadow which they cast through the state to the local level.

But we are also seeing, if a state is going to participate in the educational performance agreement, that they will, in fact—their own regulatory ways of doing business on the table also—so that everybody is playing at the table, we are not leaving the state out of this feast of innovation.

Mr. **Poshard**. This has been a concern of our Chairman, Chairman Hawkins, that a large part of the problems that we are experiencing come from the, well intended, but nevertheless, cumbersome state rules and regulations that are meant to carry out the intent of the Federal programs.

And, if they are left out of this process, than what we are trying to do will become meaningless anyway. So, obviously, your reference to the state rules and regulations have got to be included in this. They would be a willing partner, so to speak, in getting at some of these problems.

Let us see if Margie has some specific questions that we could address in the area of vocational education, at this point in time?

Ms. **Doolen**. One of the things I wanted to point out to you is, in Illinois we do have an Education for Employment Plan model that was not mentioned previously by the representative from the State Board of Education, and there are 61 regional delivery systems in the State of Illinois that are delivering vocational education, these are consortiums, Mr. Davis mentioned these in his presentation.

I guess, my concern is, where does the consortium stand in this particular kind of proposal that you have? Could, for example, a regional delivery system apply for one of these agreements that your bill is directed?

Mr. **Poshard**. Well, Peter has been working on that particular aspect, but the point being is, we are not going to dictate, at this point in time, how the local people would necessarily involve cooperative agreements, and so on. They certainly will be a part of all of this as to the structure, the final structure.

At this point in time, we would not want to conform everyone to one participatory model, but they certainly, whether it be a special education cooperative, or vocational education cooperative, or whatever, they will play an important role in this entire bill.

Mr. Smith. And, one of the most devilish parts about explaining this legislation is that you one of the 61 ventures would be involved with Illinois, had Illinois determined that they wanted to be involved at the state and local level, and been approved by the Secretary of the Department of Education of the United States to participate.

Then, in fact, it would be up to you, that we are not stipulating one way or the other.

Beyond the laws that exist, the inherent safeguards in this are that you cannot proceed without agreement.

First of all, you elect to do this, you are not mandated to do it. Secondly, unless you can get agreement from the existing bodies, school boards, teacher unions, whatever, to proceed, you do not proceed.

So, it is a consensus model that proceeds from the bottom up, driven by the perception of the people who are closest to the children, relative to where the Federal Government sits.

And, we would not want to try to guess, quite frankly, other than stipulating that appropriate constituencies must be consulted and involved, we do not want to get in the business of trying to stipulate who those constituencies are in which situation. It really depends on what the education performance agreement is going to look like, and do.

And, we do not want the bureaucracy of this to get in the way of the thinking. So, if it is appropriate, you would be involved.

Ms. Doolen. If I can get my board to go along with it.

Mr. Poshard. We cannot very well abdicate more flexibility at the Federal level, and then mandate to you how it is going to look at the local level.

Ms. Doolen. Right. One other question I have, though, all through the language I read, you refer to the consolidation of funds. So, the one question I have written on here, does that mean that if a consortium for vocational education did get one of these agreements, they would be dealing mainly with the Carl Perkins money, which is the vocational money, to come up with an innovative program? Or could, for example a school system pool all of those nine sources that you have listed there, and spend them for something else, teenage pregnancy prevention, for example?

Mr. Poshard. Again, we are not going to mandate that the local school district do anything. We are going to suggest that all of the different constituency groups, which the local school districts serve, sit down with each other, and each one considers how the highest level of education capability of their different student groups can be met with the given resources the district has.

And, we are trusting that a local school district and the different educational professionals that teach our children can do that together, in such a way as to achieve a higher performance among their students than we are currently experiencing.

Mr. Smith. Could I——

Mr. Poshard. Sure.

Mr. Smith. I think the language that we have been working on—and this thing is continually in a state of becoming—would send a very clear message, in keeping with what Glenn has just said. That, as I said earlier, you would not be able to take bilingual money, spend it on French 5, while children who come from a limited proficiency, or a non-proficient household, in terms of language, are left wanting.

So, there will be a protection of the target populations for the particular programs, but of the two break-outs that you put here, I would say that the latter would be much less likely, if not impossible to achieve, and the former would be the kind of direction we seek.

My example would be this, I only talk about Vermont, I would love to think Vermont was totally special, but I am afraid we are a lot like everyone else, and, unfortunately, at lease, in some of these more unfortunate regards——

Ms. DOOLEN. No. Vermont is special. I have a son who teaches in Vermont.

Mr. SMITH. That makes Vermont wonderful. We know that many of the children in vocational programs, whether we care to admit it or not, are there because we do not think they can survive or prosper in a regular program track.

We also know that for many of them it is a step on the way out of school, and not on the way out of school after a high school diploma towards a job, but on the way out of school when they are sixteen, to just disappear into our community.

We know that we can identify those children when they are eight, ten and twelve, with a stunningly accurate prediction. And, yet we are continually frustrated on how to do anything about it.

I would think that one of the things, if I were making something up, you would be able to take Carl Perkins, and state and local money that is currently going to vocational education, you might combine it with some illiteracy, some teenage pregnancy, and some drug, depending on how it went.

And, you might create a program for 12, 13, and 14 year old's who need, maybe, because if they are young men, their hormones are on the rampage, and you want to get them out of school, and part time doing some other things that are very educational, that involve learning, that involve, in the long run, keeping them in school, and keeping them on target in terms of curriculum.

When, now, we find that because of the curricular and the scheduling restraints, as well as just the dead hand of tradition, many of the kids who are in the vocational program are simply playing out a script, and everybody knows what it is.

So, it would be, not only a first example, but it might involve use of the community, use of employers, getting the kids a little earlier in the process, getting at the issue of drugs, and illiteracy and other things that may be driving them to be less functional, or at the school, to be less relevant to their needs.

At a time, so often, we get those kids, the last thing they want to do is sit still, and that is the one thing we ask them to do.

Mr. POSHARD. Take Mr. Lovall's problem at Mt. Vernon school. He is getting $6500 dollars in a drug education program which he has to use for something, he would like to hire a teacher.

Well, maybe, if he had a committee of folks sitting down together, and he found the vocational educational director, as the other superintendent from Anna had indicated, had some money that they were going to have to spend on some equipment or lose it.

But they really did not need the equipment, necessarily, it may be that that vocational education director could say, well, you know, under the circumstances, we got a lot of kids in vocational education that could benefit from a drug education counselor too.

So, since we really do not need this money for equipment this year, why do we not shift a little bit of it over to make up the $8500 dollars difference to hire a good counselor here, and put it with that other money.

Rather than you spending that money, unprofitably, on something you do not need to spend it on, for drug education, and me having to spend it on a piece of equipment that I do not necessarily need this year, why do we not put it together, and do what is right, or, at least, what is more profitable, for all the kids.

That is the kind of thing we are talking about. Just as a practical example of the way it might work.

On the other hand, the vocational education program has a very special need for their kids that they cannot afford all on their own, but, you know, we are trusting the judgement of the people to look beyond their own program for the good of all the children, to say, we can work this out in a better way than we can if our hands are tied by these certain formulas that we have to employ now.

I do not know, maybe that threatens us too much. But, I hope not, because, to me, that is the only way we are ever going to get to a point in education where all of our children are really achieving at the level they are going to be able to achieve.

Because, we are wasting a lot of money now in areas that we do not need to be wasting it——

Ms. DOOLEN. Well, I guess I agree with you, and I really feel that the intent of the act is honorable. I do not oppose it. But, I would appreciate the vocational education people being able to work with you as this progresses in any way that we can, and I would definitely volunteer my services to help with that kind of thing.

Mr. POSHARD. Well, we appreciate that, and we want to continue to ask for help and input, and maybe we can iron something out here, in the end, that can work, or, at least, give us a chance to see if it will work, but we want everybody's opinion.

Mr. SMITH. I am just reminded of an example from at home where we had a council of ten businessmen and women got together, and they said to the local school system, give us vocational education program, give us your 50 toughest cases, and work with us, and we will give them jobs, and will create classroom capacity, at the employment site. We do not care if they are 13, 14, 15, 16, 17, we will do it downtown. We will let them work. We will use your staff, or ours, or both, and we will help pay for it. It was literally impossible to work that program out.

And, so those kids stayed, and they said, we have work programs. We work with employers. Which was not at all what these ten individuals were trying.

It is not that they had the right idea and the schools had the wrong idea, it was that there was no basis for the two groups to sit down and put something together that could have been extraordinary.

I do not know if this strikes a chord in anyone else, but as one who has sat in school board meetings for years, when those ideas come on the table, you are so exhausted, it is always 11:30 at night, you have all listened to all the bureaucratic, and budget and union business, which has exhausted teachers, and principals and board member.

And, then, at 11:45 at night, somebody says, yes, I have a great idea for a new program, and somebody says, ah, they would never let us do it anyway.

And, that is the end of it. It is like a stick save in hockey. It is that mentality that we are trying to break through. Much more is possible within the current system than anybody gives it credit for, and I would agree to that.

But, it is not happening, because not as much as possible, as should be, and because the way we are caught doing business, the patterns, themselves, are keeping us away.

Ms. **Doolen**. I see that kind of thing happening with JTPA money in my own service delivery area, for example, the restrictions are there, and yet I could do so much good with that JTPA money if I could utilize it for vocational education, and I still have a private industry council, and have not gotten anywhere with it.

Mr. **Poshard**. We hear this a lot. Let me state also, that Peter and I, both being educators, recognize that our school systems do a magnificent job, for the most part, educating our children.

The things that our school system is charged with, in terms of such a comprehensive education, I think the jobs they do, for the most part, is very commendable. We are just searching for ways to help them do better than they are currently doing.

And, we do have some glitches in the system, there is no question about it, that could be improved, and that is what we are after.

We want to thank all of you for bearing with us for three hours here, for taking your time and your effort to testify.

This particular bill is not a small corner of the education debate right now. It is going to become a major part of the educational debate in this country, and we are hopeful of having some more profitable hearings on this in Washington, and in other areas of the country, so folks can have input.

But, we thank you for the time and effort that you have made in being here, in giving us your opinion, helping us to find ways to improve the bill.

I thank Congressman Smith for coming down from Vermont. I am going to repay the visit to his state in a couple of weeks, or so, and we are going to listen to his folks out there, and then we will go in other places that they feel the debate needs to be carried on.

So, thank you, all. The Subcommittee on Elementary, Secondary, and Vocational Education of the Education and Labor Committee is now adjourned.

[Whereupon, at 12:00 noon, the hearing was adjourned.]

HEARING ON H.R. 3347, THE EDUCATIONAL PERFORMANCE AGREEMENTS FOR SCHOOL RESTRUCTURING ACT OF 1990

MONDAY, MAY 7, 1990

House of Representatives,
Subcommittee on Elementary, Secondary,
and Vocational Education,
Committee on Education and Labor,
South Burlington, VT.

The subcommittee met, pursuant to notice, at 10:10 a.m., at the Chamberlin School, 262 White Street, South Burlington, Vermont. Hon. Glenn Poshard, presiding.

Members present. Representatives Poshard and Smith.

Staff present. Beth Buehlmann, Bev Griffin, and Diane Stark.

Mr. **Poshard**. Ladies and gentlemen, I think we will get started here.

I am Congressman Glenn Poshard, from the 22nd District in Illinois, and happy to be here in Burlington, Vermont, today to join another of our members of the House Education and Labor Committee, Congressman Peter Smith, who represents this state.

This is the hearing of the Subcommittee on Elementary, Secondary, and Vocational Education of the Committee on Education and Labor for purposes of hearing testimony regarding H.R. 3347, the Educational Performance Agreements for School Restructuring. I would like to introduce some of the people that are here with us today: Mr. Alan Weiss, who is the Vermont director of Congressman Smith's office here. We have from the majority staff of the House Education and Labor Committee, Diane Stark and Bev Griffin. And with the minority staff, Beth Buehlmann.

We want to give special thanks before we begin our meeting to the principal of the school, Mr. Rod Marcot, who just gave us an excellent tour of this very, very fine school facility, and we got to observe some of the excellent teaching methodologies and strategies that are going on here in this school.

I will be foregoing any opening statement, but will be entering a statement for the record.

We have had much discussion on this bill, and I would like to defer to my colleague, Congressman Smith, for any opening statements that he may have.

Mr. **Smith**. Well, thank you, Glenn, and welcome to Vermont. We have started a few minutes late but we have collected our first panel here and we have got the beginnings of the second panel. So

I will keep it short, because we are really here to hear from you folks.

A couple of matter of logistics. We have a lot of witnesses today. We also have a plane at 2:35, and we are also close to the airport. So I am going to be running the clock. I tried to talk Glenn into doing it, since he is from Illinois, but he deferred. So I am going to run the clock. Remember that if you have a formal statement, it will be submitted in its entirety into the record, and the record of what you say will be reproduced also. So, if you can keep your opening statement as we go throughout between five and seven minutes, so we have an opportunity to question you, that would be enormously helpful.

In terms of H.R. 3347, I am very pleased to be able to have a hearing of the subcommittee here in Vermont because of our Challenge Grant Program and because of the groundbreaking we are trying to do in terms of giving in a productive and constructive way more responsibility to schools and to teachers to create the schools of the future.

I think it is especially fitting—there are many schools in Vermont where this hearing could have been held. And, in fact, we have the principal of one of those schools in front of us as a state senator today. But there is no doubt in my mind that the Chamberlin School, where we have just had a beautiful tour, is an extraordinary institution. And if anybody ever wanted to know whether it matters that teachers and administrators and parents work closely together to create a school where each classroom is wound around and wrapped around the needs of children, they only have to take a walk up and down the halls of this school. It is not only beautiful; it is really a special educational place.

And that is really what H.R. 3347 is about. This is a bill which has had already an enormous amount of conversation in the United States Congress, the House and the Senate. It is in some degrees controversial. It needs to be thought about and talked about. It is important when we talk about the need to make schools better and to reinvent school, that we be careful in that we bring all of the experience we have and all of the thoughtfulness we have to the table, because the stakes are high, and I think the stakes for not acting are equally as high as the stakes for acting and doing the wrong thing. So what we want to do is figure out how together we can do the right thing.

Glenn is a great help in this endeavor, in the Congress. He and I are both new to the Education and Labor Committee. And for better or for worse, we were born literally on the same day in history. We both carry careers of 20-some-odd years in education into the Education and Labor Committee. And I would say, as proud as I am of my career, I think his is even more distinguished, or he has been a teacher, a special education program coordinator, a principal, a member of the State Department of Education and a member of the Education Committee of the Illinois State Senate before he comes to the Education and Labor Committee, and I am just giving you the briefest highlights. So, he brings an enormous amount of knowledge and experience to the table when we start to try to work through these things.

We revise, as Dr. Buehlmann can tell you, that we revise this bill all of the time, and we should be, because it is not something that is set in stone. It is something we are trying to work with.

I think we are still gaining ground, and I know we are, and I would say that most recently we have had indications, not only from the White House, but also from the National Governors Association of renewed interest in some form of school restructuring and flexibility as being one of the ways in which we begin to talk about addressing the goals that are now being described at the National level by the governors and by the President. And the state level people are inventing their own goals, and I understand how that process is supposed to work.

So, what we do here today, given Vermont's leadership with challenge grants, given Vermont's leadership in open education, given Vermont's leadership in special education and our knowledge and history is literally very, very important in terms of informing our committee and informing us as we continue to try to put this most important idea today.

And with that, again, I welcome you here, my friend, and we can turn to the first panel.

Mr. **Poshard**. Thank you, Peter.

We will begin with our first panel. We have the Honorable Rick Mills, who is the Vermont Commissioner of Education, with us this morning. Welcome, Dr. Mills. And we have the Honorable David Wolk, who is a Vermont state senator representing this area. And we will begin with Mr. Mills.

STATEMENT OF HON. RICK MILLS, VERMONT COMMISSIONER OF EDUCATION

Mr. **Mills**. Thank you.

I would like to make a very strong statement of, or at least a statement of very strong support for this bill. I think it comes at exactly the right time. I think people tend to believe contradictory things about education, and they believe that our economic competitors are much better-educated than we are. They also believe that our schools are the best in the world. They happen to believe that 25 percent of our graduates are not prepared for entry level jobs, and yet they think that just fine tuning is good enough.

What I see in this bill is a series of powerful messages that say that fine tuning is not enough, and that is why I support it.

Often in public life people send messages. They vote down budgets to send messages. They sometimes send messages to send messages. Sometimes it is hard to figure out exactly what people are saying. It is not hard to figure out what this bill is saying.

We can say that we have national goals and we need to act on them. We can say that we are far from reaching those goals. We can say that we have to measure results. We can say that we have to form a much larger partnership than we have. You can keep saying those things or you can see them in action. And what I like about this bill is that it is a commitment to see these kinds of things in action.

It is clearly time to find champions, local champions. And as you said, Congressman Smith, there is one right here in this school, obviously. It is time to get the incentives right. It is time to get the obstacles out of the way. It is time to see and support people who are doing it right.

Here are the messages that I read and the ones that I really want to see put into practice.

First of all, the message is that performance counts. That is written all over every page in this bill. It calls for a performance agreement, a compact covenant among the partners. It provides time for planning, time to get it right, time for training. It provides an opportunity to correct things as we go along. We should not be sending a signal that we do not want people to fail. We should say fail a lot, but succeed overall.

I think this bill says that there are going to be concrete ways to change regulations. We have not made a lot of progress around the country in deregulating education. I think where regulations do not exist, people invent them. We create phantom regulations. What this bill will do is to create local scenes where people are pushing the envelope out, and that is exactly right.

The bill also says, and this is another important message, that there are champions there to watch. As you said, Congressman Smith, there are people all over this state, I know there are people all over Illinois. I have seen them, I was born in Illinois. In this state, we put up venture capital fund of $125,000. Five hundred people showed up to contend for that and they have stayed with it. Even after the money was handed out, the seminars that were set up have continued.

We need champions because they help us calibrate our standards. You can write standards of the rule book, or you can say, there is a person who is doing it. Let us follow that person.

Another message is that this bill says there must be a much wider partnership. It is not ideas that are scarce. I mean, we all know what to do. I was reading James Conant, a book that he wrote back in 1963 about how we should educate educators. It was all there. It is just that we cannot do any of these good things by ourselves. We need allies. We need help.

This bill insists that people work together; that there not be just a great superintendent or a great principal, but an entire local team, supported by people at the state level and at the Federal level.

This bill says that we have to be in it for the long haul, and I vividly remember a conversation several years ago when I was working for Governor Kean of New Jersey, and he wanted some ideas on how to strengthen the Chapter I. It was up for reauthorization at that time. And I called you, Congressman Smith, and I remember the germ of an idea that is bearing fruit. You are in it for the long haul. This bill does not use these words but, in effect, it is a decade-long fight that we are in to make schools better. I think you provided for six years, and that has exactly the right tone.

Finally, I see a message here that we have got to pull the fragments together. Now, we have sliced up the kids. They are in so many different categories. We have sliced up the money. It is in so many different parts of the budget. Budgets do not pass locally unless people pull together. They do not pass in Congress unless people pull together. We only have the kids. We do not have Chapter I kids, special education kids and all the rest.

What would I do to strengthen this bill? There is not a lot that I could suggest, but I would mention something about training.

Vermont has extremely demanding goals, so does the United States. For us to achieve them, we are going to have to invest very, very heavily in professional development. Again, for a long period of time. Change requires massive support. People need to get together, study what works, what might work, what will not work. They need time to look at it together and then apply it.

This bill calls upon the states to provide that kind of support, and we are willing to do that. We had a meeting last week with 40 different trainers and service providers of one sort and another. There is a sense that we do need to collaborate on this kind of agenda.

I think you are looking for five states willing to do this. You are looking for a handful of districts in each state. I cannot wait for this bill to pass. Vermont, I think, is going to go for it. I just want to thank you for what you are doing.

Mr. POSHARD. Thank you, Commissioner. We appreciate that testimony, and we will now hear from Senator Wolk.

STATEMENT OF HON. DAVID WOLK, VERMONT STATE SENATOR

Mr. WOLK. Well, I would like to echo what Rick said. I am in total support of that, as you will see and hear in the next few minutes. The beauty of Vermont, one of the many beauties of Vermont is that we all work together and there is a very healthy relationship between the commissioner's office and the legislature.

I have been a Vermont elementary and middle school principal here in Vermont at the Barstow School for the past six years. The school serves 300 youngsters from kindergarten through the eighth grade. Last year, it was one of Vermont's three selections to the Department of Education's Elementary Recognition Program. And in 1986, it was the first K through 8 school in New England to become fully accredited.

Prior to working in this school, I worked for seven years as a high school teacher and administrator, and now I am a Vermont state senator, as you mentioned. I serve on the Senate Education Committee, among others.

I am here as well to express my very enthusiastic support for this program and this bill. And as an educator and as a state senator, I am not here to merely issue the perennial complaint that you hear, that the Federal Government mandates programs and services which others must fund, and I am not here to try to suggest that because of Public Law 94-142 and the fact that it has never been adequately funded since 1975, that we should radically increase the Federal share of special education to meet that promised goal. Six percent is a long ways from 40 percent, as promised.

But, instead, ironically, I guess, I am here to ask you not to send us any more money. Please do not send us Federal aid to education beyond current levels. But instead, I would ask you to plan together for creative ways to allocate our existing resources. We should remove the imposed strait jacket of Federal regulation. We should agree upon measures of performance which will focus on the ends and not the means, and we should let educators, in concert with parents and communities, to develop the means to that end of improving performance.

In short, I guess I am asking you to trust us. This bill assumes that we trust each other and that we will earn our right to maintain that relationship built on trust.

Several months ago I mentioned to Congressman Smith that we need to establish and maintain this sense of mutual trust in our Federal, state and local partnerships. And furthermore, while we can all agree that we need to aggressively ensure accountability, we must also provide the autonomy, the autonomy along with the accountability, and the flexibility and creativity which might unleash the innovative ideas and the exemplary practices which already exist in many schools and which we all desire for all of our schools.

This partnership and the unleashing of human energy and innovation would be greatly facilitated, I feel, by enactment of this legislation. A special education teacher, actually the coordinator in my school, recently told me that our priorities are all twisted. Our priorities are all twisted. The Federal focus is on dates and deadlines and forms and procedures when, instead, the emphasis should be on children and learning.

In our school for our kids, there are currently 27 forms for each kid each year which must be faithfully completed and included in each student's file. Filling out these forms and filing the proper paper work in the appropriate compartments, conducting the requisite number of planning meetings and parent conferences, are all the steady diet of special education teachers who thought they were going to be able to teach children when they entered the profession. We all agree we can do better than this.

This paper work burden and the regulatory limitations have not been promulgated by you who enact such legislation, but instead by the bureaucracy responsible for administering such programs.

Clearly, we can agree that government must continue to closely scrutinize public programs and to ensure protections related to civil rights, discrimination and safety—civil rights, discrimination and safety. But government at all levels must also enable and empower local schools, which this bill does, providing the incentive for flexibility in attaining improved student performance.

Over the past three decades, there have been periodic calls for educational reform. We have had national studies, blue ribbon commissions, green ribbon commissions, special task forces, lots of well-intentioned efforts. And most of their reports and proclamations have resulted in new Federal and state-mandated programs which have been funded primarily by local property taxpayers. These reforms have come from special interest groups, from colleges, universities, private foundations, business think tanks, Federal and state education bureaucrats who recommend altruistic initiatives for the educational practitioners to implement.

I think that educators by and large try their best to react to and to act upon these calls for reform, most of which we agree with. But volumes of research reveal to us, and more important, human nature tells us that those who are involved in collaborate decisionmaking from the ground up are more invested in reform than those who react to misses from on high. This bill provides for such collaborative partnerships for reform and it further offers the guarantee of accountability and performance.

I can tell you with confidence as an educator and as a legislator that I think Vermont will enthusiastically embrace this proposal. We in Vermont are increasingly supportive of incentive programs instead of mandates.

Last year, as Commissioner Mills said, we allocated seed money matched by businesses in this state for those districts who by competitive proposal committed themselves to reinvent schools for very high performance. This was supported by the legislature. State and local authorities are ready, willing and able to devote the financial resources to this as well as the philosophical support and the commitment called for in the proposed legislation, and I believe we are poised to pursue this today, tomorrow and whenever you deem it appropriate to enter a new era of mutual trust and improved accountability.

I believe that local educators, parents and board members will not improve schools by being cajoled or coerced. They, instead, will improve schools by being trusted and then tested—by being trusted and then tested. The proposed legislation offers cooperation, not coercion; incentives, not mandates. We must listen to the relevant research as well as to our own common sense about what works for our schools and for our kids. Please enact the bill. It is a catalyst for collaborative creativity and a springboard for school success.

Thank you.

[The prepared statement of Hon. David Wolk follows:]

David S. Wolk
Principal

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May 7, 1990

TESTIMONY

House Committee on Education and Labor

"National Demonstration Program for Educational Performance

Agreements for School Restructuring"

David S. Wolk, Principal, Barstow Memorial School
Senator, State of Vermont

Good Morning

My name is David Wolk. I have been a Vermont elementary and middle school Principal for the past 6 years at the Barstow School in Chittenden. The school, serving 300 rural youngsters from Kindergarten through eighth grade, was one of Vermont's three selections last year for the U.S. Department of Education Elementary School Recognition Program and in 1986 the school became the first fully accredited K-8 school in New England. Previously, I have worked for seven years as a high school teacher and administrator. I am also a Vermont State Senator, serving on the Senate Education Committee among others. I was educated in Rutland City public schools, Middlebury College, the University of Vermont, and Harvard University.

I am here today to express my very enthusiastic support for a National Demonstration Program for Educational Performance Agreements for School Restructuring.

As an educator and as a State Senator, I am not here to merely issue the perennial complaint that the federal government mandates programs and services which others must fund. I am not here to stridently suggest that because P.L. 94-142 has never been adequately funded that we should radically increase the federal share of special education to meet that promised goal. Instead, I am here to ask you not to send us more money. Please -- do not send us federal aid to education beyond current levels.

Instead, let us plan together for creative ways to allocate existing resources. Let us remove the imposed straitjacket of federal regulation. Let us agree upon measures of performance which will focus on the ends, not the means. Let educators, in concert with parents and communities, develop the means to that end of improving performance. In short, trust us. This bill assumes that we trust each other, and that we will earn our right to maintain that relationship built on trust.

Several months ago I mentioned to Vermont Congressman Peter Smith that we need to establish and maintain this sense of mutual trust in our federal-state-local partnerships. Furthermore, while we need to aggressively ensure accountability, we must also provide the autonomy, flexibility and creativity which might unleash the innovative ideas and exemplary practices which we all desire for our schools.

This partnership, and the unleashing of human energy and innovation, would be greatly facilitated by enactment of this legislation.

A special education teacher recently told me that "our priorities are twisted: the federal focus is on dates, deadlines, forms and procedures, when instead the emphasis should be on children and learning." There are currently 27 forms which must be faithfully completed and included in each student's file each year. Filling out forms, filing the proper paperwork in the appropriate compartments, and conducting the requisite number of planning meetings and parent conferences are all the steady diet of special education teachers who thought they were going to be able to teach children when they entered the profession. We can do better than this.

The paperwork burden and regulatory limitations have been promulgated not by those of you who enact such legislation, but instead by the bureaucracy responsible for administering such programs. Clearly, government must continue to closely scrutinize public programs and to ensure protections related to civil rights, discrimination and safety. But government at all levels must also enable and empower local schools, providing the incentive for flexibility in attaining improved student performance.

Over the past three decades there have been periodic calls for educational reform, including national studies, blue ribbon commissions, special task forces and other well intentioned efforts. Most of their reports and proclamations have resulted in new federal and state mandated programs which have been funded primarily by local property taxpayers.

These reforms come from special interest groups, colleges, universities, private foundations, business think tanks and federal and state education bureaucrats who recommend altruistic initiatives for the educational practitioners to implement. Educators by and large try their best to react to and act upon calls for reform. But volumes of research reveal to us and, more importantly, human nature tells us that those who are involved in collaborative decision making from the ground up are more invested in reform than those who react to missives from on high. This bill provides for such collaborative partnerships for reform and further offers the guarantee of accountability and performance.

I can tell you with confidence that Vermont will enthusiastically embrace this proposal. We in Vermont are increasingly supportive of incentive programs in lieu of mandates. Last year we allocated seed money, matched by businesses in the state, for those districts who, by competitive proposal, committed themselves to "reinvent schools for very high performance", an initiative proposed by Education Commissioner Richard Mills and supported by the State Legislature. State and local authorities are ready, willing and able to devote the financial resources as well as the philosophical support and commitment called for in the proposed legislation. We are poised to pursue this today, tomorrow and whenever you deem it appropriate to enter a new era of mutual trust and improved accountability.

Local educators, parents and board members will not improve schools by being cajoled or coerced. They instead will improve schools by being trusted and then tested. The proposed legislation offers cooperation, not coercion; incentives, not mandates. We must listen to the relevant research as well as to our own common sense about what works for our schools and for our kids. Please enact this bill: it is a catalyst for collaborative creativity and a springboard for school success. Thank you.

Mr. Poshard. Thank you, Senator Wolk.

Let us just make this a colloquy as opposed to a formal reference to questions. One of the words that both of you mentioned was trust, and I think both Peter and I see that as the key to education today. Now, we had a very special tour of this particular school this morning, and what I observed in the classrooms and so on was different groupings of children. I saw special education children in regular classrooms. I saw kindergartners being tutored by third graders. I saw all kinds of mixture of teaching styles and learning styles, an unbelievable amount of flexibility.

Now, if we trust a school district to engage in that kind of teaching and learning styles, can we also trust the school district to be accountable for the outcomes of that learning?

Mr. Mills. I think we can. Everyone understands that this is a public enterprise. We have tried to hold people accountable for doing it the one best way, and what you are seeing in this school is that there is not one best way. We have to trust people to do their darndest to find several good ways and then hold them accountable in a way that is fair and authentic. It is a matter of not dropping regulations, but shifting from regulating what they do to how good the results are.

I have listened to a lot of people around the state. They are hungry for that kind of shift to take place. This bill would be a mighty push in that direction.

Mr. Wolk. I would agree, and I think the recent research in education, the effective schools research, the research you studied and some of which you wrote about when you were at Harvard, indicates that good schools are very diverse schools. And schools which encourage diversity and teaching styles and learning styles and the kinds of people who staff the schools are better because there is the impetus for innovation and flexibility which, when the sort of bureaucratic strait jacket is imposed, filling out forms and the imposition of regulations, it stifles such creativity.

Mr. Smith. A parenthetical note. Unless anybody objects and I cannot imagine anybody is going to, we are going to have kids cycling through the room throughout the hearing. One of the things that Mr. Marcot, who is now here as the principal, and Glenn and I spoke about earlier, was since we are here we are taking a room and kids are interested, that they ought to be in here checking it out from time to time. So if you hear a rustle of activity in the back, it is not an invasion of anything but real children.

I have two questions. I think the first one really is for you, Senator. You are the principal of a school. I understand what the front part of your testimony was and rather than reinforcing that, the implication that you give with that is that if we asked you—if we trusted you and then tested you, as you put it, that you could get much more effect, much more impact out of the money that you are already spending, all of it.

Mr. Wolk. Yes.

Mr. Smith. What would the impact in those terms be? Do you have any way just—I understand this is not a scientific calculation.

Mr. Wolk. Yes.

Mr. Smith. But you have been in this game now for 15 years one way or the other, or more maybe.

Mr. Wolk. Right.

Mr. Smith. We are all aging gracefully here. What would the impact of this be in terms of your utility, the impact you get from your current school budget assuming that it continued to increase roughly the way it has been?

Mr. Wolk. If you look at the entire budget and the entire supervisory unit budget, you know, we have sort of focused on special education, but we are also talking about vocational education Chapter I, other forms of Federal aid, maybe impact aid in some areas, too. It does not affect Vermont as much as other places. But if all of that money was collectively allocated to a district, then a district had the local control and the accountability inherent in the bill, I think that it would be much more cost effective, because I think the concomitant factor is that people who have been hired to serve kids will be spending less time filling out forms and more time working with kids.

So, to estimate the financial ramifications, that is why I said at the outset that I think the message, since we are sending a message here, too, should be that clearly it is unlikely that there is going to be much of an increase in Federal aid to education in the next few years. And I think the message should be, inasmuch as that is true, we should not be asking for more money. We should be asking for more flexibility to allocate resources within the money that we do receive from the feds.

To be more specific, Congressman, I would suggest that we would see some real cost effectiveness and we would be able to spend, just as an example, less money on bookkeepers and accountants who have to fill out the forms and the frequent reports, and more money on teacher aids. And when I thought about the bill and talked to my special education teacher about it and we have talked about it since, I mean that is one clear conclusion, particularly in a larger district where superintendents will tell you they have to allocate inordinate degree of time and effort and resources to filling out forms, both the educational forms and the financial responsibilities inherent in present practice.

So, I guess that is too long-winded a response, Congressman, but I would see less money spent in bookkeepers and accountants and more money spent on teacher aids and teachers.

Mr. Smith. And the natural follow on to that, but I would tell you that I am more hopeful than you sound, especially regardless of what happens with H.R. 3347, especially in the area of special education, it is a battle that we are involved in right now, Glenn is involved with it, I am involved with it, and I would like to think that we will not only see a significant increase next year over what anybody had anticipated, but really a five-year commitment to keep the Federal word, and we are still proceeding with that, and I think we are getting there.

But the follow on now for both of you, because I think the crux of this comes down, and as one who has spent his professional lifetime worrying about equity and access and all of those critical issues that undergird our educational system, how can we make assurances as we remove the traditional—I mean, how do you see the school working when we think about a special needs child and the legal protections and guarantees which we must not back away from? And I do not for a minute think that that is your inclination.

Mr. **Wolk**. Right.

Mr. **Smith**. It is certainly not where we are headed. But when we—one of the real concerns about this bill and one of the concerns that we both have is to make sure that we are showing not only what it is we are not going to do that we have been doing, but how it is we are going to make sure those children's needs are taken care of in ways that are better and more effective than what is happening today.

How do you see that concern playing out?

Mr. **Wolk**. You need a mixed strategy, and we have the elements of one. You cannot guarantee anything by regulation alone. Representative Grimes was here. She spent the last year working on a special education program here in Vermont. And what they have come up with is a small investment in training, $360,000 to make everybody better at what they do, changes in regulation, a system to hold people to account if their numbers do not go the right way. It is a whole set of things.

From the broader perspective, we in this country have a set of goals now. Many states do, too. We are working hard on better ways to assess results. We are working on ways to train and empower people. It is the combination of things. That is what we have to trust. We have to trust that this shift from a very directive kind of way of running schools to a more empowering and more partnership-oriented way takes place. We just have to——

Mr. **Smith**. But none of that—to you, I want to put it to you directly to make sure I understand what you are saying. None of that suggests that a child or a child's parents, regardless of who they were or what their condition was, would have fewer legal rights or remedies than they have today?

Mr. **Wolk**. As I read your bill, the legal rights are secure. I mean they would——

Mr. **Smith**. That is the way we wrote it, and I want to make sure that is the way you read it, because we are very concerned about making sure this cannot be interpreted in any way by any individual as a retreat. We intended it as a radical advance in terms of what we do for children, and I need to put it to you that directly.

Mr. **Wolk**. See, I read that thing, but more importantly I know you. It is inconceivable to me that you would do anything that would overturn those rights.

Mr. **Smith**. Okay.

Mr. **Wolk**. You are pushing the envelope and that is what you must do. That is what must—that is all of us must do because this thing does not work now as well as it has to.

Mr. **Smith**. Do you have anything?

Mr. **Mills**. Yes. I would agree the bill clearly protects civil rights. It clearly protects the safety provisions in current laws, and we all care about that. But what it does provide, as well, is a means for negotiating agreements among the Federal, state and local governments so that we can focus on the reasons why we all get into education in the first place.

Mr. **Poshard**. And just a follow-up question here. For the tradeoff of being more flexibile, you understand that the bill says that the local performance agreement must include performance outcomes for students that are higher than previously demonstrated. And are you willing, as people who are setting the pace in education in this state, willing to negotiate that tradeoff?

Mr. **Wolk**. Absolutely, and I would just add to that that we would welcome the challenge, because we all need challenges. But I would add one caveat, and that is, that we should not rely upon traditional standardized testing to determine whether a school has been able to achieve its performance objective.

I think that we should rely upon the kinds of accountability and assessment proposals that Commissioner Mills has been putting forth in Vermont, soon to be ratified by the legislature, which will provide for alternatives, which will focus really on what kids learn and not on some national standardized test which may or may not adequately provide the means of assessing performance.

With that, I will yield to him because he can tell you more about math and writing and other ways of doing that.

Mr. **Smith**. And I hope he will do it lucidly and articulately and briefly.

Mr. **Mills**. I would simply say amen to all that he said. You need not worry about people in this state not rising to a challenge. We are pushing very, very high standards, and this looks like a lever that we need to help us reach that.

Mr. **Smith**. See, the riddle to all of this, one of the many riddles is the standard is not high because we state it. We only know it when we achieve it with children and can see the example, and that is the step at some point we have to take. It is easy to write them, but until you take a child who is historically underachieved and begins to move above the average, or one who has been a high achiever who becomes a super achiever, and you see it in terms of real progress that is written down in a student's report, then it means something, and that is as articulate as we can be at the front end.

The real action is going to be in the student's folder and in the parent/teacher communication. And at some point we will never be able to invent that until we just do it and hold people accountable for that.

Mr. **Poshard**. Gentlemen, thank you very much for both your oral and written testimonies, and we appreciate your being here and being a part of this hearing today.

Mr. **Mills**. Thank you.

Mr. **Wolk**. Thank you very much.

Mr. **Poshard**. We will call our next panel: the Honorable Barbara Grimes, who is a Vermont state representative and chairman of the House Education Committee in the State of Vermont; and the Honorable Barbara Wood, who is also a Vermont state representative and the minority spokesman on that committee. Is that correct?

Ms. **Grimes**. She is never the minority spokesman.

[Laughter.]

Mr. **Poshard**. Okay.

Mr. **Smith**. She is just very important.

Ms. **Grimes**. She is very important.

Mr. **Poshard**. The very important spokesman.

We will begin then, and we thank you for being here and presenting testimony before the committee. We will begin with Ms. Grimes.

STATEMENT OF BARBARA GRIMES, VERMONT STATE REPRESENTATIVE

Ms. **Grimes**. Mr. Bushard, welcome to Vermont. We are happy you are with us.

Mr. **Smith**. Poshard.

Ms. **Grimes**. Poshard. Peter, it is always good to be corrected by you. We have a long history together.

Thank you for this opportunity to share some thoughts on the draft legislation as introduced by Congressman Smith for Federal participation in school restructuring. Because Vermont has already embarked on the road to restructuring, the content of the proposed legislation is familiar and consistent with what we have agreed are the necessary elements to encouraging lasting change.

Last September, armed with $50,000 from the private sector and approximately $75,000 of state funds, over 500 teachers, administrators, parents and business persons attended a "challenge for change" meeting. Their charge was to identify how restructuring would benefit their districts and to bring together a local team of school personnel, parents and local community or business leaders to propose those changes.

The Department of Education, with legislators and members of the education community, formulated an evaluation process for the local education agency to test against and the criteria for the LEA to follow in putting their grant applications together. The Department of Education invited people to serve on a grant review team and I was one of those people asked to participate.

By the final submission date in November, there were 63 applications from around the state, representing all sizes of towns and different areas within the state, LEA's vision change in all areas of our public education: elementary, high school, middle school and vocational education. From the 63 applicants, 17 were selected as finalists by review of the grant applications. In December, the grant review team met to select five applicants to receive restructuring money. LEA teams were given one-half hour for personal presentations to persuade the review team. In the end, with a little rearranging of dollars, six applications were the successful grant recipients.

I say successful rather than winner, because all LEAs that participated were winners, and although many did not receive grant monies, they have continued to work for change in their districts with an eye toward this year's round of grants.

Specifically on the proposed legislation, I agree with your findings. They are the key to change. Under the general authority, the flexibility necessary for change is enhanced by allowing for combined use of program funds and services. Selecting only three communities and each demonstration state is a manageable number to evaluate.

My only concern is that with so many states who have already started in restructuring models and that there are so many differences among those states, I would hope ultimately there would be more than five demonstration states.

The proposed legislation acknowledged that change involves risk under the limitations section; specifically F. The proposed legislation acknowledges that education reform takes time and allows for that six-year commitment. Annual review and time for corrections within the plans are important.

Unlike Senator Wolk, I would say that the only element missing from the proposed legislation is some sort of appropriation. It requires state and local participation. But if the Federal Government would like to be a full partner in states restructuring, it needs to be a financial partner as well.

With the help of our business community and with precious state dollars in tough economic times, we were with very small grants able to start 63 school districts down the path to restructuring with only six LEAs getting a financial boost from the state.

In the past five years, Vermont state government and local communities have increased education spending by almost 50 percent. While the commitment has been commendable, it has not been without pain. By September of this year, we will have one of the most innovative state-wide assessment tests in the country.

By this weekend, hopefully, we expect to pass legislation that will radically change special education with emphasis on the regular classroom teacher. We are addressing change in our vocational programs with the key to eliminating the general track and having meaningful higher expectations for all students. All this is restructuring. Yet, we have a formal restructuring program and line item in our state appropriate.

I enthusiastically support your commitment at the Federal level to bring around a meaningful lasting change for the schools, not only in the State of Vermont and in the country. And on successful completion of your legislation, I expect we will be one of the states who are competing for the first five slots.

Thank you, gentlemen.

[The prepared statement of Barbara Grimes follows:]

Thank-you for this opportunity to share some thoughts on the draft of legislation, as introduced by Congressman Smith, for federal participation in school restructuring.

Because Vermont has already embarked on the road to restructuring the content of the proposed legislation is familiar and consistant with what we have agreed are the necessary elements to encourage lasting change.

Last September, armed with $50,000.00 from the private sector and approximately $100,000.00 of State funds, over 300 teachers, administrators, parents and business persons attended a challange for change meeting. Their charge was to identify how restructuring would benefit their district and to bring together a local team with school personnel, parents and local community or business leaders to propose those changes.

The department of Education, with legislators, and members of the education community, formulated an evaluation process for the local education agency to test against + the criteria for the LEA to follow in putting their grant application together. The department invited people to serve on a grant review team and I was one of those people asked to participate.

By the final submission date in November, there were sixty-three applications from around the state representing all sizes of towns and different areas within the state. LEA's visioned change in all areas of our public education, elementary, high school, middle school and vocational education.

From the sixty-three applicants, seventeen were selected as finalists by review of the grant applications In December the grant review team met to select five applicants to receive restructuring monies. LEA teams were given one half hour for personal presentations to persuade the review team.

In the end, with a little rearranging of dollars, six applicants were the successful grant receiptents. I say successful rather than winners, because all LEA's that participated were winners And although many ~~who~~ didnt receive grant money they have continued to work for change in their districts, with a eye toward this years round of grants.

Specifically on the proposed legislation:

1. The findings are key to change.
2. A Under General Authority, the flexibility necessary for change is enhanced by allowing for combined use of program funds & services
   B selecting only three communities in each demonstration state is a manageable number to evaluate.
* C. Since so many states have started restructuring models, and there are so many differences amoung states, I would hope that there could be more than 5 demonstration states.
3. The proposed legislation acknowledges that change involves risk under Limitations section, specifically (f)
4. A. The proposed legislation acknowledges that educational reform takes time and allows a five year committment.
   B. Annual review and time for corrections within the plans are important.

The only element missing from this proposed legislation is an appropriation. It requires state and local participation, but if the federal government would like to be a full partner in state's restructuring it needs to be a financial partner also. With the help of our business community and with precious state dollars in tough economic times we were with very small grants, ~~start~~ able to start sixty-three school districts down the path to restructuring with only six LEA's getting a financial boost from the State.

In the past five years Vermont state Government and local communities have increased education spending by almost 50%. While the committment has been commendable it has not been without pain. By September of this year we will have one of the most innovative statewide assessment tests in the country. By the weekend we expect to pass legislation that will radically change special education with emphasis on the regular classroom teacher. We are addressing change in our vocational programs with a key to eliminating the general track and having meaningful higher expectations for all students. All this is restructuring, yet we have a formal restructuring program and line item in our State appropriation bill. I hope when this legislation passes it will be with grant money.

Thank-you for being in Vermont, and allowing me this opportunity.

Sincerely,

Barbara L. Grimes
Chairman, House Education Committee
State House, Room 45
Montpelier, VT 05602

Mr. **Poshard**. Thank you.

Ms. Wood.

STATEMENT OF HON. BARBARA WOOD, VERMONT STATE REPRESENTATIVE

Ms. **Wood**. Good morning, Peter.

Mr. **Smith**. Good morning, Barbara.

Ms. **Wood**. It is a pleasure to speak to you and to Congressman Poshard concerning your proposal to establish a national demonstration program for educational performance agreements for school restructuring.

A lessening of rules, regulations and paper work in Federal and state programs is an admirable goal. Combining funds to achieve broader goals would result in more effective and efficient use of funds. For example, Chapter I and special education funds could be combined to create a continuum of services to children with special needs without making a clear dividing line between them. Funding for essential early education of handicapped three-to-five-year-olds could be used in combination with other Federal and state preschool programs to provide a single integrated educational experience for young children.

I do have some concerns about the proposal. I know that you would not know it were me speaking unless I did have.

Mr. **Smith**. Of course not.

Ms. **Wood**. In Section 3(1), "Assurances that sufficient state funds will be available for technical assistance, planning and development, implementation, assessment and evaluation."

With our present budgetary problems, these might be hard to come by, and I think Barbara mentioned that in saying that we need some monies for state departments to lead and provide that assistance to local communities.

And then Section 4(8), "Included higher outcomes than previously demonstrated over the preceding three years."

It seems to me that you are asking for a guarantee of improved performance, which may restrict the creative thinking needed for this type of project. Restructuring will require risk-taking and experimentation.

In order to demonstrate improvement a method of evaluation will have to be in place three years before the beginning of the project to provide the baseline against which the results three years hence will be measured, if I understand the bill correctly as it is written.

Schools are bound by their own pasts. School administration and faculty will need creative ideas, courage and the option to fail. Removing regulations may be like taking the door of the animal's cage. He may fear to emerge into the big, strange world and may retreat to the cage for security when threatened.

I applaud your efforts to provide flexibility and regulatory relief in Federal programs and wish you success.

[The prepared statement of Hon. Barbara Wood follows:]

STATE OF VERMONT

HOUSE OF REPRESENTATIVES
STATE HOUSE
MONTPELIER, VERMONT 05602

TELEPHONE (802) 828-2231

May 7, 1990

The Honorable Peter Smith
Member of Congress
Committee on Education and Labor
Congressional Hearing
South Burlington, VT 05403

It is a pleasure to speak to you and to Congressman Poshard concerning your proposal to establish a National Demonstration Program for Educational Performance Agreements for School Restructuring.

A lessening of rules, regulations and paperwork in federal and state programs is an admirable goal. Combining funds to achieve broader goals would result in more effective and efficient use of funds. For example, Chapter I and Special Education funds could be combined to create a continuum of services to children with special needs without making a clear dividing line between them. Funding for essential early education of handicapped three to five year olds could be used in combination with other federal and state pre-school programs to provide a single integrated educational experience for young children.

I do have some concerns about the proposal.

> Sec. 3(1) "Assurances that sufficient state funds will be available for technical assistance, planning and development, implementation, assessment and evolution."

With our present budgetary problems these might be hard to come by.

> Sec. 4(8) "Include higher outcomes than previously demonstrated over the proceeding 3 years."

It seems that you are asking for a guarantee of improved performance, which may restrict the creative thinking needed for this type of project. Restructuring will require risk-taking and experimentation.

In order to demonstrate improvement a method of evaluation will have to be in place three years before the beginning of the project to provide the baseline against which the results three years hence will be measured.

Schools are bound by their own pasts. School administration and faculty will need creative ideas, courage and the option to fail. Removing regulations may be like taking the door off the animal's cage. He may fear to emerge into the big, strange world and may retreat to the cage for security when threatened.

I applaud your efforts to provide flexibility and regulatory relief in federal programs and wish you success.

Thank you.

Barbara C. Wood
Education Committee Member
Vt. House of Representatives

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Mr. Poshard. Thank you.

Peter.

Mr. Smith. I think there is sort of an answer and then a question. First of all, there will be Federal money attached with this bill, and it will involve professional development as well as helping with the evaluation and it will be around the edges, and it may involve some of the planning, and that will be as it comes.

It will come from one of two places. One, it will come from the Appropriations Committee and, very honestly, we did not put an appropriation in this bill in the beginning because it was such a new idea and such a bold idea that we did not want to confuse the political process with the multiple committee reference, among other things. We wanted to get the idea discussed on its own merits without people saying the Appropriations Committee will never fund it, and that would be a reason for no one ever to consider the bill.

Ms. Wood. We understand that perfectly.

Mr. Smith. Second, one of our assumptions, which has been recently, but I will underline, only generally confirmed is that there is planning and evaluation and demonstration money in the United States Secretary of Education's Office.

And I say this also parenthetically, not to put him on the spot at all, but we do have a representative from the Department of Education here today, Vic Klatt, and I welcome you. And as decisionmakers from the State of Vermont, there may be people here who have something else they want to talk to him about, and I would hate to have him be blessed with anonymity when we have ever education later, almost, in the State of Vermont here today.

But we have had those conversations, and my assumption was that when you look through—this is easy to say, but in fact it is true also—when you look at the discretionary money that the Secretary of Education of the United States has, it is a reasonable thing, at least initially, to say if restructuring is important and figuring out the ways to achieve these goals that the governors and many legislators and the President are committing themselves to, then is it not important to put some of the money that is already appropriated that is discretion on this project? And they have said, in principle, yes. And that if we keep it within some—you know, if it comes out reasonable, yes.

So we did not just want to lay around a new appropriation when there might be some discretionary money there. The reason that the language, in terms of Section 3(1) reads the way it reads is precisely because looking at the Vermont example, we understand that you are able to skin the cat one way up here with a public/private match, with local participation that went, as I understand it, in most cases way beyond the dollars that those school districts received. In other words, they did a lot of work before they got a dime. And then they got the money and they did a lot of work in addition to that.

What we want to do with that, so that we will be, I am sure, a Federal role, but at the same time we do want to make sure that each state addresses the support of this project the way that makes the most sense to them, and that we do not come up with a formulated approach that then is appropriate for New York and not for

North Dakota and Vermont. So, that is why it is worded the way it is worded.

Mr. **Poshard**. Representative Wood, you mentioned Section 3 and I think the word that you used in describing that was, we need to have the courage to fail, or the ability to fail. You read this section as almost a guarantee of success in terms of the language? Maybe we should look at that.

Ms. **Wood**. Yes. I have been a member of a local school board and I look at things as to how they will work on the local level lots of times.

Mr. **Poshard**. Right.

Ms. **Wood**. And I do not know if I were a member of a board if I would feel that I could guarantee to you that in three years our students were going to do better than they did in the past three years, and I do not think you ought to extract that guarantee. I think there has got to be some risk-taking on both sides.

If I a reading it correctly, and maybe I am too literal in reading it, but it seems like you are saying, hey, you have got to do better than you did before and somehow you have got to measure that so you can prove it. And I just feel that that is too much to ask.

Mr. **Smith**. It is a very good point, Barbara, and I have to tell you that it is a real horns of a dilemma, because we do not—the only traditional measures we have are the measures that we are not satisfied with. And, so, you are talking about dropout rate, attrition of teachers, absences, the kinds of data that the Department currently collects.

I guess my instinct and Glenn's has been that if that is good enough today, then let us make it good enough to begin this program, knowing that we will invent with our examples much more rapidly new ways of measuring learning. So, there is a transition in the middle of it, and we may have to work on some other language. But if you want for the perfect perfection, it will never begin.

It is, to me, a very practical approach. If that is the way we are doing it, then let us base the initial sets on the way we are doing it, understanding that it is going to change as we go along. And somehow if we change that language, we then, and I would urge you folks to think hard about this because this gets at it, we need to figure out how to make the guarantees about—it is not that people have the right to fail in this. I think legally we built that in. But how do we make sure that a school district that did not want to do a better job for children, although they never say it that way and we are not talking about Vermont or Illinois here, we are talking about some other place in the great scope of America, would not be able to use the language in this bill to do less.

See, that is the concern. Less legally and less educationally and less financially. So, that is the riddle. And if you can help us with that language, see, once we have 50 examples, I think we are going to be in good shape. But before we have 50 examples, you have got to take that step, and that is the——

Mr. **Poshard**. And it is a risk for us also in the sense that there is, obviously, opposition to this bill, because with the kind of Federal language in many of the programs that the Federal Government engages is, there is a lot of security. Structure is security, and we are asking people to take a risk, to look at things that are more creative, and more risky. But in order to get people to do that, we have to say that we cannot settle for the current standards of performance. We have to settle for something even higher, or else people will say, what good is the risk, what do we get out of taking the risk if it is not going to do anything better than what is currently there. So, from our standpoint, it is also.

Ms. Wood. I can understand that. I think you need support for your bill. And, of course, if you are assuring people that things will be better, that there will be improvement with the way you want to do things, that breeds support.

On the other hand, I think from the other end of the table when I am signing this agreement, as an LEA person I am going to have a difficult time guaranteeing that this idea we have to do is going to be better.

Ms. Grimes. Peter, maybe also from the end of signing, I just hope you will be around long enough so that I could always say, I trusted Peter. And if I ran into a wrinkle, I as sure as heck know who I would call.

Mr. Smith. Oh, good.

Ms. Grimes. But one of the questions that you asked Rick and David, particularly in the area of Public Law 94-142, is it very clear that the protections for children with special needs, health and safety are well stated in the bill, and I think they are very well stated in the bill.

How does that community react to this legislation, I am sure you will hear more today. I can only assure you, from having worked very hard on a special education commission a year ago last summer, the upcoming summer and they legislatively through the year, that what I heard from parents is they want good education for their children with special needs. They want it without labels. They want it in the least restrictive way. But if we cannot guarantee that, then they will the route of labels. Then they will go the test route.

Mr. Smith. Absolutely.

Ms. Grimes. If we can provide them with the security of knowing that there are strong remedial programs in place, they are willing to trust the professionals in our state to educate their children. But from a financial aspect, if we cannot give them that guarantee that the resources are going to be there at the local level, they will have and will continue to use any protections legally that are there for them, because their children deserve it.

Mr. Smith. And they should.

Mr. Poshard. And they should, and that is an excellent point. We are asking also, not just for every other part of the educational community to trust this, but to give us a chance with 45 schools to see if we cannot improve upon the education of even those special needs populations through this approach.

We do not want to abdicate our responsibility in the law or in any other way to those special needs children in this bill and we tried to tighten the language as securely as we possibly can to ensure that that does not happen.

Ms. Grimes. I think that is clear. By the end of the day, when you leave, if you are still as invigorated and as excited as I was after looking at 17 teams that came in to say we want to restructure and this is how, at 2:00 in the afternoon I was as wide awake as I was when I started at 8:30 in the morning. I hope this process continues for you both.

Mr. Poshard. Thank you.

Mr. Smith. We thank both of you for being here today and for participating.

Ms. Grimes. And she is not ever the minority.

Mr. Smith. I am sorry. I am so used to the big world jargon.

Ms. Grimes. The two Barbaras have a wonderful time.

Mr. Smith. Thank you very much.

Mr. Poshard. It is nice to see you both. It is testimony to a small state where people are working together.

We have with us now Patrick Robins, who is a member of the State Board of Education from McAuliffe, Incorporated; if Mr. Robins would come forward. We have Karen Saudek from the Cabot Cooperative Creamery here, and Mr. Thomas C. Webb from the Central Vermont Public Service.

Now, are all these folks state board members?

Mr. Smith. No, they are here each of them in their capacity—Karen and Tom—they are here each of them in their capacities as leaders in the business community.

Mr. Poshard. Oh, very good.

Mr. Smith. As is so often the case in this great state, we get people who wear two or three hats. Each of their businesses in one way or the other have been, or they as individuals have been involved in business round table or other kinds of activities. They are involved in the manpower and resource end of things in the State of Vermont and have exemplary, in my minds, each of them, corporate policies and good insight into the corporate needs or business needs in terms of an educated work force. So that is why these three individuals, and I know them all and like them all.

Mr. Poshard. Well, we are pleased to have you here before the committee today. We will begin, as the list indicates, with Mr. Robins, then.

STATEMENT OF PATRICK ROBINS, MEMBER OF THE STATE BOARD OF EDUCATION

Mr. Robins. Good morning. It is really nice to see you this morning, Peter.

Mr. Smith. Nice to see you.

Mr. Robins. Representative Poshard, welcome to Vermont on a rainy Monday morning.

I would like to say for the record first that I support the spirit of this legislation strongly, Peter, as I think you know since I first heard you talk about it a couple of years ago down at Grafton. I have become convinced in a year and several months that I have been a member of the State Board of Education that ultimately, as we work our way through this restructuring process, I know you have heard all about it from Commissioner Mills this morning in terms of what the state is doing about a grant and others. We are going to get to a point where the applicants are going to say, okay, we are ready to make substantial changes, but you are going to have to take off the yoke. You are going to have to remove this. This is a different kind of restructuring. I do not want to confuse the changing of the regulatory structure with this issue of restructuring schools, because I think they are totally independent issues.

But it is clear that of the 60-some-odd applications for the restructuring grants here in Vermont, which Tom Webb and others put in a good share of the money to support enthusiastically, it is clear that most of them are saying, we want to get out from under—we want a chance to run our schools with more local option, more local control, a favorite Vermont expression.

And I think that will be the great challenge, and I think certainly that the yoke of Federal and state regulation mandates programs and curriculum, at least provide an excuse for school districts not to take action for a change. And so I think we ought to take away of the excuses. So I am in favor of, certainly, the spirit of what you are doing.

I think, assuming that you can pull this off and get it to the point where everybody is comfortable that safety and civil rights are being acknowledged in the schools, that we are not going to take off those basic sets of concerns for students, then we are going to have to at some point get on with the business of restructuring, which I think is what I would really rather talk about this morning for a couple of minutes just to put it on the record.

It seems to me, in terms of guarantees and in terms of risk-taking, that there really is not very much risk to take, because I do not think it is working. And when you have not got much to loose, you might as well take a shot at rebuilding the system.

I got into this business because I am married to a compensatory education teacher, and it dawned on me a couple of years ago that in this area in Burlington, more than 35 percent of all the students appearing at the high school door in grade nine, were in need of compensatory education and reading and mathematics; that is, they were at least two grades behind their level. More than one-third of the children presenting at the door, and I think those numbers are probably valid throughout Vermont within 10 points and valid throughout the Nation.

Mr. **Smith**. Higher.

Mr. **Robins**. Yes. It depends on where you are. But it is a shocking statistic, I think. That here are kids who have dropped off the track. And while they are in high school supposedly getting a high school education and reaching out for these aggressive goals that Commissioner Mills and the State Board have set for Vermont and, you know, high performance, world-class education for all children, they are spending half their time learning to read beyond the third and fourth and fifth grade level and this week, I think, learning the names of the five Great Lakes at Burlington High School. And those are shocking kinds of concerns, and they are not doing something else because they are catching up.

So, I think that unless we can figure—unless we can take this whole system and shake it in such a way that those kids who come with all the panoply of family problems at the front door, who present with a whole series of problems every morning at 8:00, almost washed up on the schoolhouse door step, unless we can grab them at age three, four, five, first and second grades and put a full court press on them to keep them in the system so that by grade three or four or five, depending upon when children normally start to read and start to perform in school, they are on a par.

There are a lot of European examples of this being done really well. There is a remarkable tracking study that was done here in Vermont, authored by a guy named Bud Meyer at the University of Vermont, that just came out. It has got about 200 pages in it. But what it basically says is that in all schools that they studied, there is a process of—a psychological tracing process where teachers in the early grades do a thumbs up and thumbs down on kids in the classroom and they move closer to the window and the kids that go thumbs up move closer to the front and the middle, and it is a process that pushes them off the track very, very early on and they never quite catch up for a whole bunch of reasons, some of which are psychological and some of which are real.

So, I think we have got to go back and take a look at this whole early education, early compensatory education component of school restructuring, and insist, if schools are going to go off on their own, that they are able to show evidence through the Vermont Assessment Plan or whatever other devices you folks come up with at the Federal level that children at the third and forth and fifth grade in fact are getting an equal opportunity, irrespective of the economic background of the parents.

I think many of you, Peter, I know you are aware that a lot of studies show that 90 percent of the variation in the performance of children, 80 to 90 percent is based on the educational level and accomplishment of the mother of the child and not much else. And in these few unusually high-performance schools around the country where that is not true, all kids seems to do equally—they do as well as they can irrespective of their economic and educational background as it relates to the parents. So, that is the kind of high-performance schools that I would like to see in Vermont, and I think probably you folks would like to see it for the country, where children can overcome the educational economic background of their parents and really achieve their full potential.

That is going to take some real rooting out of the system at the most basic level. And then I think that when the state is willing to take off some of the collar on curriculum and allow schools to decide what it is they want to teach to provide high performance under our assessment program—we were presented with a lengthy program on driver education last month at the State Board of Education and it went on for quite a long time; an impassioned plea to broaden the mandate for driver education in the schools, and I am sure that I am in favor of safe drivers. And the question is, however, how does that trade off with all the other things that we are asking schools to do between 8 and 5, and the list goes on and on and on. You could use many, many examples.

Here, we are talking about the need for a world class curriculum in math and science and apprenticeship training for vocational and the rest of it. And yet we are throwing on the schools all these other parental surrogate issues, things that are not done in the home whether it is drug issues, health issues, driver training issues, on and on and on and on, all of which is getting in the way of the base goal objectives that we are setting.

So, I think there is some real conflicts in our process. We are saying a lot of things and doing a lot of other things. And that until you and we can figure out what the track is we want to send our schools down on to restructuring so we can tell them, we will take off the yoke, but there is a price, and here is what we expect, because here in Vermont we definitely expect much higher performance that we can measure by some sort of assessment plan if we are going to say, for example, take away the public school approval standards or take away some of these mandates for a curriculum and the rest of it.

So, thank you.

Mr. **Smith**. Thank you.

Mr. **Poshard**. Thank you very much, Mr. Robins.

Ms. Saudek.

STATEMENT OF KAREN SAUDEK, CABOT COOPERATIVE CREAMERY

Ms. **Saudek**. I would like to speak for a moment from the perspective of a business person located in a very small town in a very small state. I also basically want to let you know that I support the thrust of this bill. I think every educational experience I have ever been associated with that has been successful has been one that is really tailored to meet individual needs.

The town where our business is located is quite different than other towns in the rest of the state, I am sure. And I think it is probably ont that different from any other towns in its distinctness, but let me tell you a little bit about Cabot.

I work for Cabot Creamery. We are a dairy cooperative. We manufacture the best cheddar cheese made in the United States.

Mr. **Smith**. Certified. Certified. They won the——

Mr. **Poshard**. Is that a national standard or local——

Ms. **Saudek**. That is the National contest that is held in Wisconsin, actually.

Mr. **Poshard**. Okay.

Ms. **Saudek**. We won it for the first time this year.

Mr. **Smith**. Gunderson was not happy.

[Laughter.]

Ms. **Saudek**. But we employ about 230 people. We are in a town of 800 individuals, more or less, and you can—just from those two numbers alone, you can understand that the relationship between the two and the school, the town and the company, the school and the company is at best intimate. Everything we do affects the town. Everything the town does affects us in one way or another.

The town of Cabot over the years has made the choice over and over again to maintain its small local school. It is a pre-school through 12. They have about 250 kids in the school. The graduating class this year is 12. So, again, just from the basic numbers you can see that the needs of these kids are going to be a lot different than say the children growing up in South Burlington or Scarsdale or lots of other places in this country. And yet, the regulations that this system deals with are the same regulations that every other school system deals with.

I have never been involved professionally in the public school system, so I am ont intimately acquainted with the regulations that the systems deal with. But I do know that, for example, and drivers education is the example that comes to mind in the Cabot school, that the regulations states that drivers education must be offered during school time by a qualified teacher.

Well, when you put just that one example of the regulation and impose that on a system like the Cabot school system, you come up with real difficulties. The way that Cabot had been dealing with drivers education was to hire the driver education teacher from a neighboring system to come in after school hours and do it for the few kids who needed drivers ed. But because of this regulation, they were unable to continue with a practice that worked out fine, met everybody's needs very, very well. And they had to train the nurse to become a drivers education teacher to deal with just a handful of children during school hours. Not a good solution from a lot of different standpoints.

I said initially that I have never, never been professionally involved in the public education. But I have been involved in education over the years, starting out maybe 20 years ago teaching freshman English at Middlebury College. And I remember from that teaching experience, Middlebury was getting involved in affirmatively recruiting minority kids from cities at that time, but without any special programs to make it work. They were just put into classrooms and expected to meet the requirements that every other kid did.

And the frustration of trying to deal with students that way remains with me to this day. I feel very strongly that the educational opportunity really has to be tailored for the kid, the community.

I think your fears, Peter, about systems out there that are not really interested in educating kids, I hope they are not well founded.

Mr. **Smith**. Me, too.

Ms. **Saudek**. I think given the freedom and the resources to do a good job, the system will rise to the occasion. I support your bill, and I think it is definitely the way to go. Good luck in coming up with ways to measures the results.

Mr. **Poshard**. Thank you for your testimony.

Mr. Webb.

STATEMENT OF THOMAS C. WEBB, CENTRAL VERMONT PUBLIC SERVICE

Mr. **Webb**. Good morning. I would also like to speak in favor of the proposed legislation, and let me tell you why. I drive a United States automobile, and I like it. The quality is high. I strongly suspect that if it was not for the competition with the Japanese, that car would not be as good as it is today, and that is true with a lot of products that we use. We all are aware of the competition from the Pacific Rim countries.

But, you know, there is something happening in Eastern Europe and in Europe that is going to add significantly to that competition. You are well aware of what is happening in the European Community in 1992. That is going to be one of the most powerful trading blocs in the world—750 million people. Germany is likely to be reunified, probably fairly soon. What a powerhouse that European Community is going to be.

We have not begun to see competition like we will see it in the middle to late 1990s. I have a feeling that we are not as prepared as we should be for that competition, and that goes for the business community as well as the educational community.

As I was driving up here this morning, I was thinking, and it was a surprising thing—I remembered that this fall I will celebrate my 50th anniversary in entering school, and I began kindergarten 50 years ago this fall. I do not know how much kindergarten has changed since that time. You know that the American car companies had to dramatically restructure and change their way they are doing business [illegible] order to meet that competition.

Universities, I graduated from the University of Minnesota 30 years ago. I suspect if I went back to those classrooms very little would have changed. I could probably walk right in and recognize the curriculum, recognize perhaps not the professors, but I am sure it is the same.

It seems to me that we require a dramatic restructuring in order to compete with what I see coming in the 1990s. I think for our educational system to meet that challenge and meet the requirements is going to require some dramatic changes. The professional educators are the ones to come up with those changes. I do not have any particular proposal, but I strongly believe in the need for change, and that is why our company has supported the restructuring effort going on in Vermont, not only with capital, but also with any concept or ideas that we can come up with.

One might argue about the report card of the educational system, and it has served a very useful purpose. It really has met a lot of our needs. But in preparing for this testimony, I was coming through some material I had, perhaps you have seen National Alliance for Business, came out with a pamphlet, Corporate Action Agenda. There is one interesting chart in here that may reflect on the report card.

The percentage of in-school 17-year-olds at various levels of reading proficiency: adept, only 39 percent of our 17-year-olds are adept at reading.

Mr. **Smith**. Who are in school.

Mr. **Webb**. In school, 17-year-olds in school, only 39 percent are adept. Advanced, 5 percent. It seems to me that is somewhat telling about the quality that we might be receiving.

Perhaps you also are aware of the Vermont Business Round Table. They did a survey on education. Some startling things were in this survey. One of the startling things is the amount of effort spent on basic skills by Vermont corporations: basic arithmetic, 20 percent of the employees are further educated; basic math, 30 percent; basic education is apparently lacking to the standards of the Vermont business community. So, it seems to me, due to the competitive requirement—I mean, it means jobs for Vermont. It means jobs for U.S. citizens. Those jobs will be exported to the European Community, and further, to the Pacific Rim if we are not able to do something to meet that competition.

So, it means we have to raise our standards. Our standards should be higher. If we think they are adequate now, I would argue and suggest that they are not to meet the competition we will face.

That means that it is going to take innovation. It is going to take dramatic change. It is going to take help from the business community. Here in Vermont we have begun to form a partnership where the business community can support in terms of skills, approach. The business community has gone through a lot of restructuring and they know a little bit about some of the consequences of it and some of the benefits of it.

So, I applaud the bill. I applaud your efforts, and we are here to support it. Thank you.

Mr. **Smith**. Thank you.

Mr. **Poshard**. Thank you, Mr. Webb.

Let me ask a few quick questions for Mr. Robins here, if I may. You spoke more from a philosophical bent toward education.

As one of those people who went through the 1960s and the early 1970s in the open education movement—I was a teacher at that point in time—we were at that time trying to throw off, so to speak, the reins of a structured school environment, and people were trying everything and anything in the classroom. It seemed like it was almost a philosophy of no structure.

Now, having gone through that and having loaned to Peter some of my experience during that era, we do not see our legislation as going back to that sort of thing, because that era did not seem to have any accountability to it. It was just open education.

This morning, as I went through this school, I saw a lot of accountability. I saw kids who were engaging a lot of different learning styles, but with a very well-determined educational goal at the end of it.

Do you see our bill going along that route, or do you see this as a throwback to open education, so to speak?

Mr. **Robins**. No, I think, as I said, I think that changing the regulatory structure. I think most of the structure has come about as a result of perceived shortcomings, perceived abuses with respect to curriculum content or with respect to special needs of children. And I think that what we are suggesting here is that maybe we are going to have to trust the players in the system.

Local control in Vermont is the heart of our existence here. I three or four years ago participated in a governor's task force to redistrict Vermont's schools, and we made the unfortunate mistake of calling our report, Strengthening Local Control By Getting Rid of It. And I learned through eight public hearings that that is not going to work in Vermont in this generation and that, in fact, people want to get control of their schools back.

So, from the Vermont perspective only, I do not want to try to address anything but Vermont, I think we ought to give them a chance to do that. But we are great believers in accountability. We are bottom line oriented. In this business that means a proper system of assessment where schools are able to demonstrate what children have learned and what they can do.

You know, the examples are just too common. Mr. Petchiamo, who runs the IBM plant here in Exxon Junction, told me about a year ago, he said, I cannot hire someone to go on the line at IBM manufacturing with a two-year degree from Vermont Technical College, while in our Asian plants kids come right out of the high school and are performing at much higher levels than kids coming with—we all know those examples. It goes on and on and on. Well, that is sort of the business economic perspective.

I guess my pitch for Vermont has been that if we can dramatically improve our schools in Vermont so the kids can show that they know a lot more and can do a lot more than children in competing and adjoining states, that this may be in fact a real economic advantage for Vermont in selling itself perhaps to Asians who want to locate plants in this country; that we have a much better training, a much more skilled work force, but we do not today.

And so all of us would say, I think, freely that we are in favor of a lot of accountability from the teacher establishment as well as the administrative establishment. That if, you know, the teachers are sometimes, I think, nervous and uncomfortable about the scoring process; you know, how do you keep score in this business; that in fact it does not get at the underlying quality, and I am open to all of that, but I am saying if this one does not work, you had better give us another one that does, because if you want to get away from regulations in this business, you have got to be able to demonstrate what you get for results. That is absolutely clear.

Mr. **Poshard**. I may have been wrong, but I thought I heard you at least suggest that maybe some of the rules and regulations in the present structure that is in place contributes to this expectation that teachers have of an early level even of kind of pigeonholing kids for success or failure.

Mr. **Robins**. I think that has something to do with teacher learning perhaps, which I thought has also got to be restructured. We have got to go right back into the university and college classrooms and the way we train people to teach. We have got to do that all over again, I think, different expectations.

Some of it perhaps comes from school administrators. I think we have got to do over the whole leadership component in the schools and how people get to be principals and superintendents. You know, it is not just a way to make more money. It brings with it a whole different—it needs a different set of skills, a different set of responsibilities. Then I think maybe we could start to get at that piece.

Mr. **Smith**. I would follow up and really only have one question that I would ask each of you to take a cut at, if you wish, and it follows on of what we have been talking about. First, a comment.

It is not just Vermont. In fact, the City of Chicago, as a result of a legal action, is currently engaged in a radical restructuring of the control by parents and neighborhoods of schools, and it is an enormous risk. There is no—I do not think anybody is sure or confident that it is going to work out in the short run with anything other than a lot of turmoil. But even there, fundamentally parents are saying, as parents in a small town of Vermont say, we want to be invested in what happens to our children in school. Of course. So, I do not think and I do not for a minute pretend to think that you intended that it is only Vermont.

I guess my question for the three of you is, you have never been a teacher in a public school, but you have been a parent last time I looked, and both of you have had your own relationships with teachers who are spouses, et cetera.

What does this mean for teachers in your mind? Our intention, very frankly, is that teachers would be primary architects in what goes on here. This cannot be done to teachers. It has to be done with them, and it is they are the last and the greatest resource and we are not using them, and that comes out of my conversations with teachers when I was lieutenant governor and we talked to outstanding teachers in Vermont, and they said, ask us. We will tell you how to have good schools. Ask us. No one does.

Do you see it that way? It is obviously a leading question, but I think it needs to be on the record. When we restructure a business, we ask the people and include the people who make the sale or make the production.

Does anybody here see anything different in this particular restructure?

Ms. **Saudek**. I would just expand on it a little bit, Peter. I mean, obviously, as the teachers, but ask the parents, ask the resources in the community.

Mr. **Smith**. Sure. Sure.

Ms. **Saudek**. I will go back to Cabot because it is really easy to deal with. It is so small and special. Some of the things that we are doing with the school system in Cabot this year, we have the tenth grade science class meeting in our dairy lab once a week for two hours, and these kids are making their own yogurt and running their own tests. And nicely, at the end of the experience being evaluated with the tool that we use to evaluate employees, so that they are getting the science experience, but also the experience of what is involved in holding a job, what are the expectations.

We are going to be doing similar things in our day care center with the home ec department, and with the business department at the school. Sean Bryant is going to be teaching one of their business courses. He is our chief financial guy.

So that I think, you know, you look at the resources. Clearly, the teacher, of course, but also the parents and their needs and what the resources in the community and bring it all together.

Mr. **Smith**. You actually think children should be allowed occasionally out of school to pursue their education with qualified teachers and other qualified——

Ms. **Saudek**. Oh, it is such fun. It works so well.

Mr. **Smith**. Mark Twain had something to say about that, too.

Mr. **Webb**. One of the aspects that corporate America is restructuring, there is a buzz word associated with it. It is called empowerment. And part of this concept of empowerment is to do just as you suggested, and that is to put the decisionmaking as far down in the organization, as close to where the action is as you possibly can.

It requires some changes in the management structure. For instance, removing the layers within an organization. It used to be we would argue that you ought to have a span of controls supporting no more than six people reporting to an individual. But with empowerment, you can expand that, and we have done that. So, in cases where we may have 15 people, professors, reporting to individuals, removing management layer, removing structure and putting decisions as low in the organization as you can where they can be appropriately made.

In the case of education, it seems to me like it is critical that we get the involvement of the teachers. What is interesting about the empowerment that has gone on in the corporate side, and that is you end up with some really turned on employees. They are much more enthusiastic. They are much more participating. They are more excited about their job. It is more fund. I mean, you know, teaching ought to be fun, working for a corporation ought to be fun. And when you place this decisionmaking on what they do on a day-to-day basis upon them who are doing this, it really adds significantly, I think.

Mr. **Poshard**. Well, we thank you for your participation. Sorry that we do not have more time with each panel, but we have a lot of folks today, and we just really appreciate your coming.

Mr. **Smith**. And I would say parenthetically, as with Barbara and you too especially, and there are others who have come a long way through the rain to do this, and I started out—you were not here when I started out, but within the last two weeks the National Governors Association and the White House and a number of other people involved in this have shown a new interest, not explicitly in H.R. 3347, but in this idea on a very bipartisan basis. And so, it matters a lot that we get the kind of political and business and policy and as this day goes on professional input into this idea, because I do not think—it may change as it goes along and evolve, and that is good. But I remain convinced that sooner or later something like this is going to happen. That is good and it is necessary. And this hearing could not be more timely. Seriously, it could not be more timely. And so I appreciate your willingness to come today.

Mr. **Webb**. Thank you.

Mr. **Robins**. Thanks for having us.

Mr. **Poshard**. Our next panel, and I am not sure how many of these folks are here, but we will read them off: Janet Jamieson, Vermont Center for Educational Leadership Development; W. Scott Blanchard, Vermont Headmasters' Association; Richard Cage, the Vermont Superintendent Association; Marlene Burke, Vermont National Education Association; Donald Jamieson, the Vermont School Board Association; and Evelyn Carter, the Special Education Advisory Council.

Any of those folks that I named can come forward at this point in time.

We thank you for participating this morning and sticking to the schedule that has been given to me. We will begin with Janet Jamieson.

STATEMENT OF JANET JAMIESON, VERMONT CENTER FOR EDUCATIONAL LEADERSHIP DEVELOPMENT

Ms. **Jamieson**. Thank you.

The National Demonstration Program for Educational Performance Agreements reminds me a great deal of the effort that was undertaken in the 1970s call COGRAM, Consolidated Grants Application Management. It was an attempt to significantly reduce administrative paper work for districts applying for Federal funds under then Titles I, II and III, and its intent was also to allow selected districts wider discretion in coordinating programming and the utilization of resources.

I suggest that if you have not already, that review of the experience with COGRAM be undertaken. I suggest that primarily because the intent of COGRAM was good. The implementation proved horrendous, and I would think that some lessons could be drawn especially at the policy implementation stage for this piece of legislation.

I realize that this piece of legislation goes the COGRAM experience. It has as its intent a freeing of state and local school districts from regulations as they strive to restructure schools. At first reading, I was really pleased that someone had the common sense to allow school districts greater programming and input in the allocation of resources to meet their identified needs.

However, then I began to really think about the various categories of people that Federal dollars are targeted to serve. There are rationales for categorical funding. Prime among them are equity and the need to address national social problems. If states and local school districts within these educational performance agreements are allowed to ignore categories of people that Federal funding is specifically targeted for, will we be ignoring important social issues at the cost of immediate identified local need? And that is a concern.

I suggest that we must strike a balance between monies for our nation's social concerns and our efforts to restructure schools. Otherwise, why not just give us a block grant?

Mr. **Smith**. Exactly.

Mr. **Poshard**. Right.

Ms. **Jamieson**. So, I realize this is a Catch-22. You know, to say that you have got to specify in the legislation that you have got to be careful with what you do with monies targeted for a specific categories of people weakens the intent of your legislation, and that is the Catch-22.

Mr. **Smith**. I do not want to interrupt, but as we go ahead, do not worry about that, because our intention is exactly to strike the balance, and the two must not be at cross purposes. They must not be. And so do not be bashful. We are looking for the right language that will send a very strong message that Chapter I children, or Public Law 94-142 children do not receive different or less. They might received different, but only if it means more and better, and that the structures, the legal structures that protect them are there and are protected. So, we do not see cross purposes. We are struggling for the language and the data. So, please do not be bashful. Keep it coming, because that is what we are after.

Ms. **Jamieson**. In the initial run-through of this first piece of legislation, you have specifically addressed Public Law 94-142 and those types of things. I am thinking of some of the other categories: teenage pregnancies, dropouts, the gang—a lot of stuff which does not even apply to Vermont, but does apply to a lot of the larger states.

And school districts have the choice of saying, well, we are not going to focus on that, we are going to use the money over here, where does that national concern come from? I just alert you to that.

Mr. **Smith**. Sure.

Ms. **Jamieson**. Another concern that I have as I read through this, the act calls for school districts to be exempt from selected state and Federal regulations. This, to me, assumes that there are sets of state and Federal regulations that impede school restructuring efforts. That, to me, is the underlying piece.

If that is the case, then I suggest all states and districts could benefit from their removal. And one of the concerns I have is that perhaps this does not go far enough. Perhaps we are better off spending our efforts designing ways to evaluate and to curb what I call legislative learning. We spent a lot of money paying our legislators and our state officials to develop laws and regulations that we assume are for our benefit.

Now we are proposing to spend money to undo some of these for selected populations only, and I have some real concerns with that. I find that extremely problematic. Perhaps our precious resources, which we know are scare, are better spent on providing monies to schools that they need for the kinds of restructuring efforts that are really going on right now.

Many of us are tired hearing that money is not the solution.

Mr. **Poshard**. I am, too.

Ms. **Jamieson**. My next point goes on, rests with the words improved student performance. These words are frightening to me when tied to this type of legislative effort, because when we think of improved student performance, we think of performance generally as measured by old measured, standardized achievement testing, which continues to lock us into the traditional ways of thinking of schooling.

So, if we are thinking of student performance measures and we are thinking of restructuring, to me there is a dichotomy there and a real dilemma. If schools are truly restructuring, the measures of student performance need to reflect the variety of data, qualitative and quantitative, which include the improved performance of schools and school districts as well as students.

Think, for example, of this dilemma. A local district restructures. Schools become really nice, an exciting place of learning. Dropouts stay in school. Standardized test scores decline. Curriculum is not aligned with the standardized tests. The students have not been there long enough for their academic performance to be raised significantly to impact test scores.

Can we say that increased student performance has resulted? In the legislation, the way it is written right now, I would say no.

If we really are restructuring schools and not just improving the present way of doing things, we have to realize the systems are going to be out of kilter. I lived in the 1960s, too. Things were out of kilter in the 1960s, but there was some level of accountability. Maybe not to the extent that there should have been, and maybe there are good lessons to be drawn from our experiences in the 1960s. I remember the years we threw textbooks away or were accused of doing it, anyway.

It may be difficult for us to measure progress. We cannot continue to do it in the traditional ways we are doing it. So, what I am suggesting is that the focus of evaluation for this legislation not be on improved student performance, but it be on improved systemic performance, which can include improved student performance as one indicator. But I would like to see improved systemic performance. Let us look at the system.

Mr. **Smith**. Well, that is——

Mr. **Poshard**. Let us wait until all the testimony is over.

Ms. **Jamieson**. Broaden the scope of assessment to reflect the true commitment to restructuring, not just tinkering with the existing system.

I believe data collection should be seen as more critical to the school districts participating and their restructuring efforts than for national legislation.

I am going to move along a little faster. One of the things that the act calls for is a final independent evaluation to be made within one year after the expiration of the act. I suggest a very radical change from this. I suggest that resources be made available to each participating school district to hire an on-site evaluator whose sole responsibility is ongoing evaluation of each project, from collecting baseline data during the planning year through a culminating final report when the project is done.

Evaluation, if you want accountability, evaluation is the one area we continually neglect in Federal programs. We say, oh, evaluate it, and we ask people who are way too busy to do the job. So, I suggest that if you really want a true national demonstration program that will provide solid information about the effectiveness of lifting state and Federal regulations for school restructuring, then you really need to provide resources for personnel to research while the project is ongoing. The job is too important to do it haphazardly, as we presently do.

And then, lastly, the concern I have is what happens when this act ends in six years to those poor school districts who have had wonderful experience and have made tremendous strides and now all of a sudden are told, go back to the original way that you did the—revert to the ways that you worked so hard to change.

Mr. **Smith**. We need to bring you to Washington to talk to some people.

Ms. **Jamieson**. So those are basically the concerns, issues or what have you that I have regarding this piece of legislation.

[The prepared statement of Janet Jamieson follows:]

National Demonstration Program for Educational Performance Agreements for School Restructuring

Testimony by:

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Monday, May 7, 1990
South Burlington, VT

The National Demonstration Program for Educational Performance Agreements for School Restructuring reminds me of the work that was done in 1972 under Consolidated Grants Application Management (COGRAM). The idea of COGRAM was that a consolidated grant application would significantly reduce the administrative paperwork burden faced by school districts when applying for federal funds as well as allow them to integrate program activities, then funded under Titles I, II and III. Its intent was also to allow selected districts wider discretion in coordinated programming and the utilization of resources. The idea of COGRAM was noteworthy, however, implementation posed a set of problems that basically led to more paperwork and less discretionary use of funds that intended. I suggest that the COGRAM experience be reviewed as a reference for consideration of the potential impacts this legislation may encounter at the implementation stage. There are some lessons to be drawn.

I realize that this proposed legislation goes beyond COGRAM. It has as its intent a freeing of state and local school districts from regulatory shackles as they strive to restructure schools. As I understand the Act, selected States would have the authority to re-appropriate funds for restructuring, co-mingle funds, and through Educational Performance Agreements with districts distribute funds to implement well planned agreements based on identified need. At first reading, I was elated that someone finally had the common sense to allow local districts a greater say in programming and allocation of resources to meet their identified needs. Then, I began to think about the various categories of people that federal dollars are targeted to serve. There were rationales for categorical funding. Prime among them were equity and the need to address national social problems. If states and local school districts, within Educational Performance Agreements, are allowed to ignore categories of people that federal funding is specifically targeted for, will we be ignoring important social issues at the cost of immediate identified local need. I suggest that we must strike a balance between monies for our nation's social concerns and our efforts to restructure schools. Otherwise, why not just provide selected States with block grants to distribute to local school districts as they see fit. The point is that Educational Performance Agreements need to protect the distribution of funds targeted for specific populations and in doing so weaken the intent of this legislation. It is the proverbial "Catch 22".

The Act calls for school districts to be exempt from selected State and Federal regulations per the Educational Performance Agreements. This assumes that there are sets of State and Federal regulations that impede school restructuring efforts. If that is the case, then I suggest all states and districts could benefit from their removal and that, perhaps, our efforts are better spent in designing a way to evaluate and curb "legislated learning". We spend a lot of money paying our legislators and state officials to develop laws and regulations that are, one would assume, for the benefit of society, not a detriment to it. This Act proposes that we spend money to "undo" some of these laws and regulations. I find that problematic. Perhaps, our precious resources are better spent on providing schools the money they really need, especially for planning, research and professional development. Many of us are very tired of hearing that money is not the solution. We could accept that if there really was sufficient funding to restructure schools. What the word "restructuring" has become is nothing more than a synonym for "re-organizing schools for scarce resources".

My next point rests on the words "improved Student performance". These words are frightening when tied to this type of legislative effort. Generally, when we think of "improved student performance", we think of performance as measured by standardized achievement tests which continue to lock us into the traditional ways of thinking of schooling. If schools are truly restructuring, then measures of student performance need to reflect a variety of data, qualitative and quantitative, which include the improved performance of schools and school districts as well as students. Think, for example, of this dilemma: A local school district restructures. School becomes an exciting place of learning. Its drop-outs stay in school, and standardized test scores decline. Two things have happened. The school curriculum is no longer aligned with standardized testing and the increased numbers of drop-outs have not reached a point where their academic performance is sufficiently high to be seen on test score results. Can one assume that there is no "increased student performance"? If we are really restructuring schools, not just improving the present way of doing things, we have to realize that the system will be out of "kilter" for awhile. It will be difficult to measure progress and we cannot do it in the traditional ways that we have done it. I would like to suggest that the focus of evaluation not be on "improved student performance", but on improved systemic performance which can include improved student performance as one measure as defined in the Agreement. Broaden the scope of assessment to reflect a true commitment to restructuring, not just a "tinkering" with the existing system. My plea is for flexibility and a recognition that if schools are engaged in serious change, it will take time and neatly packaged assessments may not be possible. Data collection should be seen as more important to the participating districts for assessing their own changes, and providing feedback for the next steps than to the success of an Educational Performance Agreement. This Act relies heavily on the assumptions that change is a planned, sequential, orderly process that has predictable successful outcomes. The current research on the change process does not support such assumptions.

The Act calls for a final, independent evaluation to be made within one year after the expiration of the Act. I suggest that resources be made available to each participating school district to hire an on-site evaluator whose sole responsibility is the on-going evaluation of each project from collecting base-line data during the planning year through a culminating final report when the project is done. If we really want a National Demonstration Program that will provide solid information about the effectiveness of lifting state and federal regulations for school restructuring, then we need to provide the personnel to research each project while it is in operation. This job is to important to do in the haphazard way most federal programs are evaluated. It is also unrealistic to think that it can be done and have any impact if completed one year after the expiration of the Act.

What happens at the end of the Act? None of us has a crystal ball, however, imagine the confusion if a restructuring effort is working very well in a school district, and in year seven it must stop because the district no longer has the authority to combine programs and receive exemptions. Must they revert to the ways they worked so hard to change!

In summation, I suggest the following:

-Review the COGRAM experience.

-Rethink the issue of categorical funding for specific national social problems with the intent of this legislation.

-Review the implications of spending money to "undo" laws and regulations designed for a beneficial purpose, for a selected few states and school districts.

-Change "improved student performance" to "improved systemic performance". Additionally, broaden the scope of assessment to reflect a true commitment to restructuring.

-Rethink the assumptions the Act has for predictable change.
-Focus the Program on comprehensive on-going evaluation of the restructuring efforts, providing the resources to do an the type of work that will make the program a true demonstration.project.
-Address the intent of the legislation beyond the sixth year.

In conclusion, I thank you for the opportunity to present some thoughts for your consideration. Overall, I do not personally support the National Demonstration Program for Educational Performance Agreements for School Restructuring. I believe a far more comprehensive piece of legislation is necessary; one that will provide monies to support research, planning and professional development for many of the restructuring efforts begun which will lead to constructive, meaningful, and lasting change within our nation's schools.

Mr. **Smith**. Thank you.

Mr. **Poshard**. Thank you very much.

Mr. Blanchard.

STATEMENT OF W. SCOTT BLANCHARD, VERMONT HEADMASTERS' ASSOCIATION

Mr. **Blanchard**. For the record, I am Scott Blanchard, the Executive Director of the Vermont Headmasters' Association, and I certainly want to commend Representative Smith for proposing this innovative legislation, and also for having the hearing in Vermont, giving me the opportunity to renew acquaintance.

Mr. **Smith**. With Bet.

Mr. **Blanchard**. I have not seen her for four or five years.

There are many positive aspects to this bill, which I will review very quickly for the committee.

One, it allows for a year of planning to develop the local performance agreement. Too many times we see innovative programs fail because we do not allow for planning, and this does give an opportunity for a school district to have that year's worth of planning before results have to be measured.

It also creates a commitment, and this commitment is on the part of the Federal, state and local district, to improve the educational performance of students in need. This concept of commitment is so important.

Also, it provides a positive mechanism to revise the local performance agreement. I agree wholeheartedly with Janet—there are certainly problems with the present assessment system that we do have. But assuming that these assessment programs will be improved, it does allow for further assistance on the part of the district to develop alternative strategies and modify the program where appropriate. I think that is so important. And the first time it may not work. The second time it may.

I do have a concern and I know it will be reviewed very carefully by the committee, and this is the potential of creating excessive paper work. I do not think you want to have more of a problem than what we have with the present program requirements. In such regulations, it should certainly be kept to a minimum and they should not be restrictive.

In summary, I feel that this legislation should be passed by Congress, it should be implemented as proposed; certainly with the changes that will result from testimony. And simply, let us see if such a proposal can work. It is very modest in scope and I think it should be given an opportunity certainly to be implemented.

Thank you.

[The prepared statement of W. Scott Blanchard follows:]

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For the record, I am W. Scott Blanchard, Executive Director of the Vermont Headmasters' Association.

I want to thank you very much for the opportunity to testify on the Educational Performance Agreement for School Restructuring Act.

First, I would like to commend Representative Smith for proposing this innovative legislation.

Second, for having this hearing in Vermont.

There are many positive aspects proposed in this bill which I will quickly review for the committee:

*Allows for the combining of federal program funds along with exemptions from corresponding federal and state laws to design and implement innovative programs for improving student performance.

*Allows for a year of planning to develop the local Performance Agreement. Too many times we see innovative programs fail because results have to be immediate and that need comes at the expense of planning.

*Creates a commitment upon the part of federal, state, and local school districts to improve the educational performance for students in need. This concept of commitment is so important.

*Provides for a positive mechanism to revise the local performance agreement if there is a decline in student performance by making further assistance available through developing alternative strategies or modifying the program where appropriate.

I do have one major concern which I hope will be reviewed very carefully by the committee, and that is the potential of creating excessive paperwork associated with developing local performance agreements. Please keep such regulations to a minimum. It is my hope that the LPA will not be more restrictive than the present program regulations.

In summary, this legislation should be passed by Congress and implemented as proposed since the scope of participating states will be very modest. Simply, let's see if such a proposal can work.

Mr. **Poshard**. Thank you, Mr. Blanchard.

Ms. Burke.

STATEMENT OF MARLENE R. BURKE, PRESIDENT, VERMONT NATIONAL EDUCATION ASSOCIATION

Ms. **Burke**. Good morning, gentlemen. Thank you for having this hearing here in Vermont and allowing us to testify.

Vermont NEA has been very proactive in their position regarding locally-based restructuring. Indeed, the National Education Association has and does support locally-based school restructuring efforts, especially those that are based on collaborative efforts by teachers, parents, administrators and even students, school board members and the community at large.

Vermont NEA agrees that one of the primary roles of the Federal Government regarding education is to ensure that every child, every child living there, indeed, within the United States, be provided with the best education possible and an equal educational opportunity. This is especially important for those who are disadvantaged, handicapped, those who are limited in the English language and other special needs children. We know that these children were not adequately reserved until Congress dealt with appropriate legislation to meet their needs.

If I read this proposed piece of legislation correctly, the consolidation of some of these funds for a specific purpose might again put some of these students at risk. The Federal regulations dealing with schools are designed to ensure civil and human rights protection and to ensure accountability for public monies. Changes in Federal regulations should be considered on their own merit rather than imposed or waived in a piecemeal fashion from one school district to another.

One of the chief frustrations for our local schools is unfunded mandates more than the regulations that come from on high. Consider Public Law 94-142. The Federal Government passed this massive piece of legislation and agreed to fund 40 percent of the costs, yet at this moment in time, only funds 7 percent of the cost. It has underfunded it from its inception. This pushes the cost down to the state government who then pushes it onto the property taxpayer. This shirk-the-responsibility approach does not work, and cannot continue if we are to see worthwhile educational restructuring at its very best.

Pooling of Federal resources for the special needs children, with funding from adult and vocational education, is of no advantage if schools are obligated to maintain their service to that diverse population by law or in accord with performance agreements.

Consolidation of Federal funds has been used as a budget-cutting scheme. In 1980, the Federal Government spent $733 million for specific education priorities. In fiscal year 1990, the government will spend about $489 million for block grants, a loss of almost $1 billion in resources to schools after accounting for inflation.

Consolidation of education programs in 1980 shifted the emphasis from programs to hardware. Chapter II grants saw the consolidation of some 29 separate programs funded for salaries, materials, and other program costs. Many school districts spent block grant funds for microcomputers. When consolidation occurs, we often see disruption of important educational priorities.

Two programs phased out as a result of the 1981 ECIA were teacher centers and Teacher Corps. Congress is now considering legislation to authorize professional development academies and Teacher Corps at a greater cost than if they had been operating the programs consistently since 1981.

Federal regulation of education has already been diminished considerably. Consider the compensation grants under Chapter I, compensatory education for disadvantaged students which were established in 1988, to allow schools with a high percentage of disadvantaged students greater flexibility in basic skill programs.

Performance agreements could be more intrusive than Federal regulations themselves. The proposed legislation calls for monitoring the U.S. Department of Education and state departments of ed. The measure also requires a tremendous commitment from states for technical assistance and evaluation.

This approach replaces one type of bureaucracy with another. This legislation runs approximately 16 to 18 pages long. What kinds of regulations would have to be promulgated to make sure that this kind of legislation would be effective and kept in accord with law? U.S. Department of Education staff would have to be assigned to approve performance agreements, then to monitor civil rights compliance and then to review progress reports, to say nothing of assessment as an ongoing process.

Education truly needs to be restructured. There is no question in our minds. But there are far more serious needs that Congress and the Federal Government ought to be addressing; namely, financial support to schools which does amount to a national disgrace. It is past time that children become a priority in this country once again.

I need to reecho also what you have just said this morning. I agree wholeheartedly with some of those statements. I am a professional educator of 32 years, and I, like many of the 7500 teachers in Vermont, am really concerned about restructuring. We thought it was wonderful to have the challenge grant programs in place. If you are going to restructure schools in Vermont, if you are going to restructure schools throughout the country, then look at a piece of restructuring that allows every school in Vermont to creatively change a system that needs to be changed.

I have a great deal of problems with saying, okay, Vermont may be one of the areas that is going to be considered. We are going to allow 10, as many as 10, but as few as five to involve itself. What happens when this piece of legislation sunsets? What happens to the schools once they have spent enormous amount of time and effort in increasing a system that brings about change, systemic change, and then all of a sudden you have a piece of legislation that sunsets and that school, unfortunately, cannot be supported for their changes and needs to go back to what it was? I wholeheartedly agree with that.

[The prepared statement of Marlene R. Burke follows:]

TESTIMONY

Marlene R. Burke, President
Vermont-NEA

May 7, 1990

GOOD MORNING CONGRESSMAN SMITH AND COMMITTEE MEMBERS. THANK-YOU FOR HAVING THIS HEARING AND ALLOWING ME TO TESTIFY.

VERMONT-NEA HAS BEEN PROACTIVE IN THEIR POSITION REGARDING LOCALLY BASED RESTRUCTURING. INDEED, THE NATIONAL EDUCATION ASSOCIATION HAS AND DOES SUPPORT LOCALLY BASED SCHOOL RESTRUCTURING EFFORTS ESPECIALLY THOSE THAT ARE BASED ON COLLABORATIVE EFFORTS BY TEACHERS, PARENTS, ADMINISTRATORS, AND STUDENTS.

VERMONT-NEA AGREES THAT ONE OF THE PRIMARY ROLES OF THE FEDERAL GOVERNMENT REGARDING EDUCATION IS TO ENSURE THAT EVERY CHILD LIVING IN AMERICA BE PROVIDED WITH BOTH THE BEST EDUCATION POSSIBLE AND AN EQUAL EDUCATIONAL OPPORTUNITY. THIS IS ESPECIALLY IMPORTANT FOR THOSE WHO ARE DISADVANTAGED, HANDICAPPED, THOSE WHO ARE LIMITED IN THE ENGLISH LANGUAGE AND OTHER SPECIAL NEEDS CHILDREN. WE KNOW THAT THESE CHILDREN WERE NOT ADEQUATELY SERVED UNTIL CONGRESS ACTED WITH APPROPRIATE LEGISLATION TO MEET THEIR NEEDS. IF I READ THIS PROPOSED PIECE OF LEGISLATION CORRECTLY, THE CONSOLIDATION OF THESE FUNDS FOR A SPECIFIC PURPOSE WOULD AGAIN PUT THESE STUDENTS AT RISK. THE FEDERAL REGULATIONS DEALING WITH SCHOOLS ARE DESIGNED TO ENSURE CIVIL AND HUMAN RIGHTS PROTECTION AND ALSO TO ENSURE ACCOUNTABILITY FOR PUBLIC MONIES. CHANGES IN FEDERAL REGULATIONS SHOULD BE CONSIDERED ON THEIR OWN MERIT RATHER THAN IMPOSED OR WAIVED IN A PIECEMEAL FASHION FROM ONE SCHOOL DISTRICT TO ANOTHER.

ONE OF THE CHIEF FRUSTRATIONS FOR OUR LOCAL SCHOOLS IS UNFUNDED MANDATES MORE THAN THE REGULATIONS THAT COME FROM ON HIGH. CONSIDER 94-142. THE FEDERAL GOVERNMENT PASSED THIS MASSIVE PIECE OF LEGISLATION IN THE 1970's, AGREED TO FUND 40 PERCENT OF THE COSTS, YET AT THIS MOMENT IN TIME, ONLY FUNDS 7 PERCENT OF THE COST. IT HAS UNDERFUNDED IT FROM ITS INCEPTION. THIS PUSHES THE COST DOWN TO THE STATE GOVERNMENT WHO THEN PUSHES IT ONTO THE PROPERTY TAXPAYER. THIS SHIRK-THE-RESPONSIBILITY APPROACH DOES NOT WORK, AND CANNOT CONTINUE IF WE ARE TO SEE WORTHWHILE EDUCATIONAL RESTRUCTURING AT ITS BEST.

POOLING OF FEDERAL RESOURCES FOR THE SPECIAL NEEDS CHILDREN, WITH FUNDING FOR ADULT AND VOCATIONAL EDUCATION IS OF NO ADVANTAGE IF SCHOOLS ARE OBLIGATED TO MAINTAIN THEIR SERVICE TO THAT DIVERSE POPULATION BY LAW OR IN ACCORD WITH PERFORMANCE AGREEMENTS.

CONSOLIDATION OF FEDERAL MONIES HAS BEEN USED AS A BUDGET CUTTING SCHEME. IN 1980, THE FEDERAL GOVERNMENT SPENT $733 MILLION FOR SPECIFIC EDUCATION PRIORITIES. IN FISCAL YEAR 1990, THE GOVERNMENT WILL SPEND ABOUT $489 MILLION FOR BLOCK GRANTS, A LOSS OF ALMOST $1 BILLION IN RESOURCES TO SCHOOLS AFTER ACCOUNTING FOR INFLATION.

CONSOLIDATION OF EDUCATION PROGRAMS IN 1980 SHIFTED EMPHASIS FROM PROGRAMS TO HARDWARE. CHAPTER 2 GRANTS SAW THE CONSOLIDATION OF SOME 29 SEPARATE PROGRAMS FUNDED FOR SALARIES, MATERIALS, AND OTHER PROGRAM COSTS. MANY SCHOOL DISTRICTS SPENT BLOCK GRANT FUNDS FOR MICROCOMPUTERS. WHEN CONSOLIDATION OCCURS WE OFTEN SEE DISRUPTION OF IMPORTANT EDUCATIONAL PRIORITIES. TWO PROGRAMS PHASED OUT AS A RESULT OF THE 1981 ECIA WERE TEACHER CENTERS AND TEACHER CORPS. CONGRESS IS NOW CONSIDERING LEGISLATION TO AUTHORIZE PROFESSIONAL DEVELOPMENT ACADEMIES AND TEACHER CORPS AT A GREATER COST THAN IF THEY HAD BEEN OPERATING THE PROGRAMS CONSISTENTLY SINCE 19891.

FEDERAL REGULATION OF EDUCATION HAS ALREADY BEEN DIMINISHED CONSIDERABLY. CONSIDER THE CONCENTRATION GRANTS UNDER CHAPTER I COMPENSATORY EDUCATION FOR DISADVANTAGED STUDENTS WERE ESTABLISHED IN 1988 TO ALLOW SCHOOLS WITH A HIGH PERCENTAGE OF DISADVANTAGED STUDENTS GREATER FLEXIBILITY IN BASIC SKILLS PROGRAMS.

PERFORMANCE AGREEMENTS COULD BE MORE INTRUSIVE THAN FEDERAL REGULATIONS THEMSELVES. THE PROPOSED LEGISLATION CALLS FOR MONITORING THE U.S. DEPARTMENT OF EDUCATION AND STATE DEPARTMENTS OF EDUCATION. THE MEASURE ALSO REQUIRES A TREMENDOUS COMMITMENT FROM STATES FOR TECHNICAL ASSISTANCE AND EVALUATION.

THIS APPROACH SIMPLY REPLACES ONE KIND OF BUREAUCRACY WITH ANOTHER. THE LEGISLATION RUNS APPROXIMATELY 16 PAGES. REGULATIONS WOULD HAVE TO BE PROMULGATED. U.S. DEPARTMENT OF EDUCATION STAFF WOULD HAVE TO BE ASSIGNED TO APPROVE PERFORMANCE AGREEMENTS, TO MONITOR CIVIL RIGHTS COMPLIANCE AND TO REVIEW PROGRESS REPORTS.

EDUCATION NEEDS RESTRUCTURING. BUT, THERE ARE FAR MORE SERIOUS NEEDS THAT CONGRESS AND THE FEDERAL GOVERNMENT OUGHT TO BE ADDRESSING: NAMELY, FINANCIAL SUPPORT TO SCHOOLS WHICH DOES NOT AMOUNT TO A NATIONAL DISGRACE. IT'S PAST TIME THAT CHILDREN BECAME A PRIORITY IN THIS COUNTRY ONCE AGAIN.

Mr. **Poshard**. That is a good question. Thank you, Ms. Burke.

Ms. **Burke**. You are welcome.

Mr. **Poshard**. Ms. Carter.

STATEMENT OF EVELYN CARTER, SPECIAL EDUCATION ADVISORY COUNCIL

Ms. **Carter**. My name is Evelyn Carter. I am Assistant Director of Special Education in Burlington. Previous to this position, I taught eighth and ninth grades at Hunt Middle School for six years and taught in the ASPIRE Program at Burlington High School for 13 years. Therefore, my interest in this proposed legislation to encourage restructuring lies in its implications for program development and implementation and how this may improve opportunities for students, particularly at the secondary level.

We know that interagency collaboration works. Over the past six years we have seen increasing flexibility among Chapter I, special education and locally-funded programs. This flexibility has enabled us to manipulate resources in a more imaginative way in order to serve students with unusual combinations of needs. At the same time we have participated increasingly in interagency collaboration among services of Burlington High School, Burlington Area Vocational Center, Vocational Rehabilitation, the Baird Center, SRS, SPECTRUM and the Burlington Youth Employment Program, among a few.

The more we have been able to coordinate resources around a youth and his or her family, the more effective have been the results. For example, for one student and his single parent we coordinated the following services: Baird Outreach Program provided family counseling; Vocational Rehabilitation helped the parent find and maintain a job; Howard Family Services eventually took on longer range counseling; special education provided an individual educational plan and consequent support; the Vocational Center provided a vocational assessment; SRS continued family support services; and Burlington Youth Employment funded and supervised a summer job for the student. We already have the experience to prove the value of thoughtful coordination of resources.

I strongly support, therefore, efforts to use other existing resources with fewer barriers to effective services. When children and their families need a variety of services, they need them soon, not later—and they need them together, not separated. Considering the Federal programs listed on page 5, I see the possibility of providing a range of services quickly, in a coordinated manner with greater effectiveness than may be presently possible. However, I have the following concerns which I believe should be addressed.

One, details of procedure and guidelines must be developed by people currently working directly with kids and families—not just by Federal and administrative experts.

Two, there must not be an increase in paper work. Overlap in records must be decreased.

Three, if we integrate funding sources, care must be taken to to lose sight of services for any group of students because dollars are not specifically designated for them, and I support that point you made, too.

Four, In assessment of student gains, I support the components discussed in page 14 as open-ended problem-solving exercises, portfolios of student's work in subject areas and other such measures. Standardized testing is not always the most meaningful measure of progress, especially for disadvantaged students.

Five, when Federal evaluators have come to monitor some programs such as Chapter I, their charge has been to look only at paper work. On occasion they have even refused to look at students and programs. Monitoring should be at a deeper level than paper work.

And six, for results of this proposed legislation to be effective, strong new leadership must be empowered to develop and implement programs. We must recognize that this cannot be just one more responsibility added to the duties of people at the local level who are already over-committed. The trade offs must be clearly thought out. Invest in people, not paper.

I am confident and optimistic enough to think that state and local plans can be developed that would actually simply procedures and eliminate overlap currently occurring across funding sources. More time and energy could then be put into helping our young people achieve greater competence, a sense of purpose and perhaps even joy in living.

[The prepared statement of Evelyn Carter follows:]

Hearing on Proposed Legislation: Education Performance Agreement

May 7, 1990

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We know that interagency collaboration works. Over the past six years we have seen increasing flexibility among Chapter I, Special Education and locally funded programs. This flexibility has enabled us to manipulate resources in a more imaginative way in order to serve students with unusual combinations of needs. At the same time we have participated increasingly in interagency collaboration among services of Burlington High School, Burlington Area Vocational Center, Vocational Rehabilitation, the Baird Center, Social and Rehabilitation Services, SPECTRUM and the Burlington Youth Employment Program. The more we have been able to coordinate resources around a youth and his or her family, the more effective have been the results. For example, for one student and his single parent we coordinated the following services: Baird Outreach Program provided family counseling; Voc Rehab helped the parent find and maintain a job; Howard Family Services eventually took on longer range counseling; special education provided an individual educational plan; the Vocational Center provided a vocational assessment; SRS continued family support services and Burlington Youth Employment funded and supervised a summer job for the student. We already have the experience to prove the value of thoughtful coordination of resources.

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1) Details of procedure and guidelines must be developed by people currently working directly with kids and families - not just by federal and administrative "experts."

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Mr. **Poshard**. Thank you, Ms. Carter, for your testimony.

I just have one scenario here and then I will let Peter begin. I am looking at those Federal programs on pages 5 and 6 which you referred to, Ms. Carter. Last year in one of the high schools in my district this very thing happened. I think the high school was having some severe drug problems. And these drug problems went across lines as far as any of the special needs. Vocational education students were having problems, special education kids were having problems, it was not peculiar, to any one special group of students; just a big drug problem in the school.

The high school received about $9,000 in Federal drug education monies. What they really needed, was at least two counselors for students in this area. It was a very severe problem. They did not have the money out of the general budget to come up with the extra $30 to $35,000. There was money in other areas of these Federal programs' budgets that were not being used for the specific parts of the formula in those particular areas which they tried to get shifted over into drug education and could not.

So, they had money in vocational education, for instance, that was designated for equipment which did not need to be used but could only be used for vocational education equipment. But they went lacking in drug education counselors for that high school because they could not shift the funds over.

Would it not be better, in your judgment, in a scenario like that where all of the directors and the teachers in these particular Federal programs could have sat down in a room like this and said, well, now, wait a minute, this is a problem peculiar to kids all over this school regardless of which program they are in. Would it not be better if we could have maybe shifted some of these monies that we do not need right here over into a couple of new teaching positions, counselor positions to take care of a problem area for all of our students? That is what I see as the utilitarian value of this program. Not that we want to sacrifice the ultimate goals for any Federal problem. We are not asking for the outcome, the objectives or the goals for any Federal program to be abdicated and to change that in any way.

We are just saying, is there not some simple way to take a look at everybody sitting down who runs these programs and saying, what are the overall needs of all of our children in these programs. How can I help you meet the needs of your kids in Public Law 94-142 through my program? How can I help you as a vocational education instructor to meet the needs of kids in drug education which directly affect my kids too?

Does not that integrated approach seem like a more just and equitable way to serve all of our kids than this segmented approach that most school districts find themselves in now because of the rules and regs that they are driven by?

I do not know. I am just asking.

Ms. **Jamieson**. I would suggest, though, the rules and regulations of this proposed legislation will be as bad, excuse me, as complex, as bureaucratic as the present rules and regulations. I have seen these kinds of agreements tried to be designed before between Federal, state and local districts, and they look great initially. And then when it comes to that implementation stage, and you said yourself, we do not want to minimize any program or jeopardize any program, so what that translates into in the implementation stage is, oh-oh, we have to stay loyal to this category, to this category and we cannot do this.

And so the very flexibility that you intend through the policy in implementation becomes rigid and inflexible.

Mr. **Poshard**. But does it have to?

Ms. **Jamieson**. I would hope that it does not have to, but our past experience is such that it does.

Mr. **Smith**. Well, I need to pursue, because in at least two of your testimonies the concerns you have raised, I think, are absolutely the right concerns, all right. And what we have attempted to do in this legislation is create a process in which the local school district proposal drives the process. It is not a top/down process. It is a bottom/up process.

Now, the thing that I feel that your testimony is cross-pressuring, because you are, on the one hand as was Ms. Burke's, you are saying, I would like you to go farther, and at the same time you are saying, we are concerned about what you are doing. And I guess I need some help with that.

The reason that the problem is as structured as it is, is because there are many people on the Labor Committee who think that it goes too far; not that it does not go far enough. And so we very much need, quite frankly, to hear the models that you would like to see.

Now, a couple of—with all due respect, a couple of things that have been said that I think that are not borne out by the reading of the bill.

There is no funding consolidation at the Federal level nor is there any funding consolidation in this bill, nor is there any funding consolidation until you come to the schoolhouse door and only then in response to the proposal which has been written by the teachers and the parents and accepted by the board and moved up through the system. So, there is no de facto or preemptive consolidation here.

That is radically different from what happened in 1989, which we would not, frankly, wish to reproduce in any regard.

Secondly, by the law and by this bill there is no way, literally no way that vocational money could be spent on programs that did not serve vocational students, or any other one of those special categories, and I really need to go through it with you because if we can get to the point where we understand literally what this means in terms of a process of empowerment for teachers at the school level, then I think your next set of testimonies, in fact, both of yours and to some extent Evie's and Scott's too, help us figure out how to build in the gain that we want, which is to empower professionals within the law, accepting the social commitments—you are absolutely right—that we have made to do a better job for every student and for the overall school district which we have been—you have given us a breakthrough on how to think about evaluation today. That is what these hearings are about, and it is important that you have said what you have said.

So, from my point of view it is important to understand—I understand the history. I am so old now that I almost remember everything in Vermont that you are talking about, and I begin to see familiar faces at this table. But what we have got to get to is not—from my point of view the question is not is this bill more bureaucratic or not. It cannot be. And to the extent that we sit down and troubleshoot this bill, you have to help us understand how to make sure that it is not.

Second point: If in fact there is any indication with a line-by-line reading of this bill that we in any regard run the risk of diminishing a right or a program access capacity for a special population, we absolutely have to troubleshoot the bill to the point where that may not, cannot possibly happen, because here we have a—both of us have spent our careers in education, and it is not where we are coming from.

I think we have got it pretty clean in that regard. You may disagree. At which point, let us sit down and go through it again. The bottom line—nor would either of us at any time suggest that this bill is in any regard a replacement for or a substitute for increased Federal support of Chapter I and vocational education in Public Law 94-142. In fact, we are, as are many other people, currently involved in a serious effort to increase the funding for special education. Chapter I money is going to go up pretty well this year anyway, because we concur in the underfunding of those mandates and other mandates.

So, what I heard really was what I call cross-pressuring in the testimony. We need your intelligence and the intelligence of your experience to help us make sure those things do not happen and how to make sure that teachers and parents and communities are truly empowered and children's rights are truly protected. That is where we are coming from,and we think we are getting there. And if you specifically see other areas of what we need to do, not necessarily here, is go through this thing line by line and have you say, okay, you may think it means that, but I think it means this, and let us get it right, because we are not going to do it if we do get it right. That is not why either Congressman Poshard or I are investing the time and energy. We are doing it because we do not think schools work as well as they should and the very children we are talking about here are, in fact, those who are least well served, and we need to figure out how to do it better, and that is resources, but it also some professional autonomy and some accountability.

Systemically, I love it. Of course, and also I hope individually as we learn to do that better. Enough said, right?

Mr. BLANCHARD. I think that the scenario that Representative Poshard brought out, I think we could all agree with. But I think the concern that we all have is we have the legislation. What are the regulations going to be? What control are you going to have over the regulations and the impact that they are going to have on us?

Mr. SMITH. On a personal level, I cannot speak for Congressman Poshard, we both have seen a lot of regulations in our lives at the receiving end.

Mr. BLANCHARD. We have, too.

Mr. SMITH. And I can assure you that if this bill in any form became law, I think that both of us would make an ongoing personal oversight commitment to stay with it to make sure that the regulations do not get out of hand. I mean, it would absolutely—there would be very few Federal regulations in this, because there is nothing—the bill directs the local school districts to do the designing; that it would not be directed by the Federal Government.

If you look at the power shift in this, what we are trying to do, that is what happens. So, we do not see it as having many regulations at all. And if it did, I would agree with you. It would not be worth doing, absolutely.

Mr. **Poshard**. And please, that is the point. From our perspective, we simply do not want the Federal Government abdicating any law for the protection of the civil rights of any special needs population, nor do we want the Federal Government dictating any division of monies other than the way it has already done for these programs. We do want to give people at the local level the ability to say, well, can we in this school building, in this school district, find a better way in a more flexible environment to serve the needs of these children.

If we cannot do that, if the rules and regulations become prohibitive, then I cannot support the legislation.

Mr. **Smith**. That is right. So, I think we are all coming from the same place. And this is one of the reasons why change is hard to do. It is one of the reasons why we have to have these hearings. It is one of the reasons why we have to talk to everybody again and again and again.

But I would tell you go back to an earlier witness who some of you may have heard and others may not, the risk of doing nothing, I think we would all agree, and I am compelled by the fact that here at least two of you, I really think all of you say, we in one regard would like to go much farther once we know the protections are in place, we would like to go much farther in terms of empowering schools and parents and teachers to invest in designing a program. So would we. And what we have got to learn how to do is how to do it. Because if we do not, we get more of what we have got and we know that is not good enough. So, let us go down the road together.

Mr. **Poshard**. We thank all of you for participating. We very much appreciate it.

Our fifth panel is: Mr. David Marshak, from the Addison Northeast Supervisory Union; Mr. Gordon Schnare, from the Westminster School; Ms. Marcia Baker, from the Area Vocational Technical Center; and Mr. Ralph Hudson, from the Danville Schools.

We thank all of you for agreeing to participate before the committee hearing today. I hope you will pardon Peter and I for snacking as we go through the lunch hour here. We will begin with Mr. Marshak.

STATEMENT OF DAVID MARSHAK, ADDISON NORTHEASTERN SUPERVISORY UNION

Mr. **Marshak**. I'm the curriculum coordinator at Addison Northeast Supervisory Union, and I imagine that one of the reasons I was invited is that we were one of the fortunate ones to earn grants in the Vermont school reinvention grant process. I am going to refer to that a little bit in my testimony.

The structures of our schools that we work in in the United States were created during the first two decades of the 20th century. They were directly and explicitly based on the model of the factory, because in 1910, the factory was seen as the most progressive, the most modern institution in American culture.

In 1990, although our culture has been transformed by the events of the 20th century and likely will be changed even more in the next few decades, by and large the structure that we have has endured, and it is the same structure. It is essentially the "egg carton" sweat shop in the elementary school and the "mass production" line in secondary schools. And by my reading of the categories that both the Federal Government uses largely and that the state uses to some extent, the categories are tied to this concept of school, and therefore the limitations that those categories create are very much like the ones that you were describing in the last panel, in the example that you raised.

In Vermont, our Commissioner of Education, Rick Mills, has called on educators to reinvent schools, and I think that is an important term to be aware of, not only to restructure, but literally to reinvent schools. In my own district, we have just begun the first few steps in this direction; to create a structure of education that fits the 21st century, not the early 20th century. Yet, if most Federal and a good percentage of state funds continue to be tied to their current categories, we are not going to get too far in this effort.

I support the National Demonstration Program for School Restructuring as described in your bill, because I think it can provide important support for school reinvention efforts.

I would like to speak briefly to a couple of particulars in the bill.

"Higher performance" by students needs to be defined both qualitatively and quantitatively. Reinventing schools is not just an attempt to get higher standardized test scores. If that is all it is, it is probably not worth doing. It has much larger goals. To education children and youth who have learned how to learn, to communicate and compute effectively, how to solve problems creatively, how to be imaginative in what they do, how to work well with others, how to be responsible, how to be leaders, how to think critically, how to be thoughtful and caring citizens. You cannot measure most of these with quantitative tests; you need qualitative measures over time. You address that in the bill but not as firmly or as strongly as I would like to see.

Secondly, page 4, line 10. Is it realistic to expect states to find funds to develop support, monitor and evaluate local performance agreements? Is this not more of the dumping of the load from the Federal Government to the already overburdened states?

In terms of the Federal budget, the sum needed to accomplish all of this in 10 schools and 10 states is relatively small. Why cannot the monies come from the Federal budget? And again, to be particular in Vermont, if this program, if this legislation were enacted next year, I know that we would not have monies in Vermont in the state budget to this.

It seems to me that this is a realistic way in which the Federal Government can once again take concrete, creative steps that lead to change in education.

In the summary, review and evaluation, you talk about measures of performance taking place in each year of operation of the agreement. I would like to suggest to you that it is essential that your bill take into account the cycle of change in schools.

Schools are perhaps the most conservative institutions in our culture. They do not change quickly or easily. And, in fact, as I stated at the beginning of my testimony, I would argue they have not changed very much at all in the last 80 years. I would suggest to you that the first year for planning and developing agreements in, in fact, a reasonable time frame.

I would then suggest to you that you think of two three-year cycles beyond that. In terms of educational change, all of the research shows that in the first year you get things going. In the second year people really begin to do things well. And in the third year you consolidate the change and people begin to do it well without having to work so hard at it.

And so I would argue not for a two-year time frame, but a one year for planning, three years for implementation, and then overall assessment, and then three more years.

Finally, it brings me to the sunset provision. If the new program is working well, why have a sunset provision? And I understand the purpose of sunset provisions in many situations, but I would argue that in this case a sunset provision is really inappropriate because then you have gotten a school district out there and they have developed a program, and it has achieved the goals and then you put us, if it were Addison Northeast, for example, in a situation where we might be back to square one unless you come in and rescue us again.

And so I would argue for the removal of the sunset provision provided the program is working.

[The prepared statement of David Marshak follows:]

STATEMENT OF DAVID MARSHAK
Curriculum Coordinator in
Addison Northeast Supervisory Union, Bristol VT
on May 7, 1990

The structures of our schools in the United States were created during the first two decades of the 20th century. They were directly and explicitly based on the model of the factory, because in 1910, the factory was seen as the most progressive, the most "modern" institution in American culture.

In 1990, although our culture has been transformed by the events of the 20th century and likely will be changed even more by the next few decades to come, our schools have this same enduring structure, by and large: for elementary schools, the "egg carton" sweat shop; for secondary schools, the "mass production" line. And most Federal and considerable State funds are tied directly to this very same set of categories, based on this structure of schools from the Progressive Era of 1910.

In Vermont, our Commissioner of Education, Rick Mills, has called on educators to re-invent schools. In my own district, we are just beginning to take the first steps in this direction: to create a structure of education that fits the 21st century, not the early 20th. Yet if most Federal and a good percentage of State funds continue to be tied to their current categories, we will not get very far in this effort.

I support the "National Demonstration Program for School Restructuring" described in this bill because it can provide important support for school reinvention efforts.

I want to offer several suggestions in relation to elements in this bill, as follows:

-- "Higher performance" by students needs to be defined both qualitatively and quantitatively. Restructruring schools is not just an attempt to get higher standardized test scores. It has much larger goals: to educate children and youth who have learned how to learn, to communicate and compute effectively, to solve problems creatively, to be imaginative, to work well with others, to be resposnible, to be leaders, to think critically, to be thoughtful and caring citizens. You can't measure most of this with tests; you need qualitative measures over time.

-- Page 4, line 10. Is it realistic to expect states to find funds to develop, support, and evaluate local performance agreements? Isn't this more dumping of the load from the Federal government to the already overburdened states? The sum needed to accomplish all of this is relatively small. Why can't the monies come from the Federal budget, if you really want to get these projects underway?

Summary, Review and Evaluation: Measures of performance can take place in each year of operation of the agreement, but it is essential that the cycle of change in schools be taken into account as part of this procedure. The first year is to get things started and underway. The second year is when new programs really take off. The third year is when they become solid, thorough, systemic. I would suggest a change in your schedule for this program: one year of planning, then three year of operation, with the assessment at the end of the third year, not the second.

Sunset Provision: If the new program is working well, why remove the exemptions at the end of the sixth year? I understand the value of sunset provisions in general, but in this case, I think the inclusion of such a provision is totally misplaced. If you've really accomplished significant change and improvement, why place it at the mercy of a sunset provision?

Mr. **POSHARD**. Thank you, Mr. Marshak.

Mr. Schnare.

STATEMENT OF GORDON SCHNARE, WESTMINSTER SCHOOL

Mr. **SCHNARE**. I am principal of a large elementary school in Southern Vermont, and a recipient—my school is the recipient of one of the restructuring grants recently awarded by the state. The purpose of our grant was to include the community more as a part of the school, to include the school more as a part of the community. We were attempting to build bridges, basing our curricular within the community and hoping to increase our overall performance that way.

We felt very strongly, when we wrote the grant, that local—that changes that occur in schools that are effective and lasting are changes that are important to communities, not changes that are important to Washington or even Montpelier. That if you are looking for substantive change and lasting change, then it has to be a change that is relevant to the people who live in the local community.

For this reason, I think that the legislation is beginning to work in the right direction. The tangles and intertwinings and the contradictory rules and regulations that we have to face every day on a local level as we either try to apply for grants or as we try to change create pressures within the school that finally make you throw up your hands and say it is not worth it.

And when you begin to include the community in your change process, the community has no understanding of the bureaucratic structure that we work within. After 22 years, I can pretty well know what my parameters are and I can change within those parameters. But when you start to bring in laymen to help you bring about a change, their frustration becomes acute, and the frustration is often targeted at the school.

As we work through the restructuring process, we are finding that we have two essential problems. First of all, as we try to create a new image of our school, we run into a problem with flexibility. We have to be—we often find ourself having to make rules up as we go along, because where we are, nobody has been there for maybe 50 years. And for this reason we find ourselves handicapped by rules that were made, as Mr. Marshak said, for 50 years ago and they no longer apply to the processes that we are in right now.

The second problem is that restructuring is extremely expensive in little ways. We do not talk about building new buildings and we are not talking about hiring new staff, in particular, but we are talking about training and bringing release time for teachers, we are talking about community involvement in workshops and training, and all of those things cost more than most local districts can afford at this point.

I do have two major concerns with the legislation. The first is that I agree with Mr. Marshak that I do not think that Vermont is going to be able to participate. I know my district is one of the few on the Connecticut River that has not lost a budget this year, and that we do not even know for sure that we will not lose one next year. The state is not in much better financial shape as far as this year goes, and I cannot see the local communities even allowing us to apply for a grant that does not meet their priorities first.

The second major problem that I see with it is that it is also tied to budgeting. And that is that it is easy for a group to sit down and decide to restructure, but you have to have a climate for restructuring that protects people and that allows them to take a risk. And that some communities, especially in Vermont, I am not sure that the financial climate is right for the major changes that you are looking for, partly because you have to be assured of your job before you are willing to go out and stick out your neck, and that goes for both community members and for employees as well.

I think that you are on the right track. I do have some experience with a similar program that was started in the early 1970s. I worked for an experimental school program at one time, and that was also supposed to be free of bureaucratic regulations and that was mostly what we did, was the paper work.

I do have a fear that it is not going to be the Congress that requires the bureaucracy, but it is going to be the auditors that you turn it over to.

[The prepared statement of Gordon Schnare follows:]

THE EDUCATIONAL PERFORMANCE AGREEMENT FOR SCHOOL RESTRUCTURING ACT

Remarks Concerning the Proposed Legislation

Gordon E. Schnare, Principal
The Westminster Schools
Westminster, Vermont
May 7, 1990

I would like to speak in support of the The Educational Performance Agreement For School Restructuring Act I am pleased that the act recognizes the importance of communities in school change and allows local school districts a wide latitude in restructuring so long as they meet specific program goals I am also gratified that the legislation recognizes that federal and state mandates are often impediments in the restructuring of local schools Finally, I applaud the attempt at integrating the various federal programs often found in districts which normally work in isolation from each other

As a principal of a school currently undergoing restructuring and as an educator who has been involved in schools for the past 22 years, I recognize that changes in schools most often occur where communities confront problems affecting the well being of their own children Federal mandates, because of their global nature, may or may not have any relevance to local citizens But local issues are powerful motivators for change

I do have some concerns about the proposed legislation, however, especially as it applies to education in Vermont First of all, I am concerned that Vermont may not be able to participate in the proposed activities Budgets in Vermont are very tight at the moment, both at the local and state level and this legislation seems to require a substantial expenditure of state and local funds for implementation. There does not seem to be any corresponding increase in the amount of federal funds beyond those already allocated. Local districts and the Vermont Legislature may not be interested in spending their already scarce resources for issues that are not seen as local priorities.

Secondly, hard times tend to make people unwilling to take the risks necessary to bring about substantive changes. With the voters turning down budgets at an alarming rate, schools are finding it necessary to cut programs and lay off workers. Change is a risky business at the best of times, but when your job may be on the line, it is particularly frightening. For school employees, the climate of the times may not be conducive to risking innovations. Change is also frightening to local taxpayers whose financial future may appear bleak. Schools as they are currently restructured at least are a known quantity, and restructuring might add an additional strain on local resources.

Despite these two concerns, I believe that the legislation will support innovations in local schools and help these schools avoid becoming entangled in the quagmire of federal and state regulations.

Mr. Poshard. Okay, thank you, Mr. Schnare.

We have Ms. Baker.

STATEMENT OF MARCIA BAKER, AREA VOCATIONAL TECHNICAL CENTER

Ms. Baker. Hello. I am the director of one of the local vocational centers, and with another vocational center we entered a restructuring grant in this first round of restructuring grants, and we received one.

Thinking back over that process and what we thought of, we were invited to ask for changes in regulations. To my knowledge, none of us of the six schools that were funded, the six areas that were funded, have asked for that flexibility yet. But I think that as we go along perhaps we will get to the point where we will be asking for a reduction in some of the regulations. I think it is something that takes times, and so I applaud you for putting in the planning year.

My concerns have to do—there are just a couple of them, but the main one has to do with the consequences of review portion in Section 5(2), where you say that the bill calls for alternative strategies and modifications upon any annual reach which shows any decline in performance.

I think that is too soon. I think that, in light of change theory, that very often, sometimes very often when you put in a change what happens is that performance falls off instead of immediately starting to climb. So I think that is going to defeat the whole purpose of the program, to say every single year it is going to be looked at. And if there is any decline, then modification will be mandated. So I go along with the first speaker's thought that perhaps a two or three year trial after the plans have been made is much more realistic in terms of change theory.

I would also like to broaden the base for representation by interested parties to include students. I think that we very often forget that they are the ones that are going through this, along with the adults, every day and that they have some very good ideas if we only ask them. And I think that that should also be included for elementary students as well as high school. Though most of my experience is at the high school level, I think that we need to ask the children and invite them in too and see what they have to say. They can be our most devastating critics if we are brave enough to listen to them.

Finally, I would like to say that there is some applications of this to vocational education that are very important to me that have to do with certification and licensure, and I do not know if the waiving of regulations would extend to that field.

You get into some very pretty touchy positions when you start saying that someone does not have to be certified or does have to be certified, and yet that is a very basic problem that we have in vocational education. We assume as vocational educators that a person who is a carpenter and he has worked as a carpenter for seven or eight years, as is required before you can even become a vocational educator, even though he is not certified in math will have the elements of building trades math down to perfection, and yet there has been some concern among math teachers, math certified people, and they think, justifiably so, that if you allow math credit for taking two years of the buildings trade program, that you are somehow lower the standards. And so those kinds of issues would be very important, I think, to all vocational educators, and this is not just in Vermont—it is at a national level—that we have to take a hard look at those kinds of regulations too, and I do not know if they would be included in this or if that would be something that could not be touched.

So, a lot of the things that are a problem to us, I do not know if they would be addressed by this, but that is one of the major ones for vocational education.

[The prepared statement of Marcia Baker follows:]

Burlington Area Vocational - Technical Center

[illegible] • [illegible] • [illegible]

TESTIMONY
NATIONAL DEMONSTRATION PROGRAM
FOR EDUCATIONAL PERFORMANCE AGREEMENTS
FOR SCHOOL RESTRUCTURING

I am Marcia Baker, director of the Burlington Area Vocational Technical Center, and team leader for one of the winning Vermont State Restructuring Grants. Having been intimately involved with the concept and practice of school restructuring for the past several years, I have some thoughts on the subject to share with you today. I will do this in the context of Congressman Smith's bill designed to establish a National Demonstration Program for Educational Performance Agreements for School Restructuring.

The concept of allowing local agreements whereby schools could ask for exemptions from specific regulations is an intriguing one. With the increased academic credits imposed by the Public School Approval legislation in Vermont, many vocational educators feared that students for whom vocational education was very appropriate would not be able to fit it into their schedules because of expanded academic requirements. For this reason, vocational programs were reviewed to find appropriate academic content, which could be designated as fulfilling academic requirements. The question of certification arose. Vocational educators find it entirely appropriate that they teach applied academics to students in the context of learning job skills. feel that the question of certification and licensure is one which could be explored under the Auspices of a National Demonstration Project.

In Section 4, (1), the bill calls for local educational performance agreement working groups comprised of a broad range of interested parties, including parents, business representatives, and school authorities, among others. I would suggest that students be added to this group. I think that having representation from a total range of constituents is vital to the success of the venture. To succeed, the change must come from the "bottom up," rather than being imposed from the "top down."

The other main concern I have with the bill is in the Consequences of Review portion, Section 5, (2). The bill calls for alternative strategies and modifications upon any annual review which shows any decline in performance. I would like to suggest that so many variables exist in a learning situation, that to change the strategies after one year's decline in performance will not be giving the program a chance to succeed. Change research suggests that most change results in an initial decline, followed by an upsurge, rather than straight line improvement.

I applaud Congressman Smith's interest in School Restructuring. If I may be of further help, please do not hesitate to call upon me at any time.

Mr. POSHARD. Thank you, Ms. Baker.
Mr. Hudson.

STATEMENT OF RALPH HUDSON, DANVILLE VILLAGE SCHOOL

Mr. HUDSON. I am the principal of a small rural K-12 school in what we affectionately call the Northeast Kingdom of Vermont. And the Northeast Kingdom is a quasi-independent section of Vermont which I know Mr. Smith is quite aware of, and in that sense I would like to talk later on a little bit about some of our attitudes about things that may impinge on this bill.

But to begin with, I would like to make a bit of history in that we have come in my community from the small town, agrarian community to what might be seen today as being essentially a suburb or a bedroom community for the largest city in our area, which is St. Johnsbury, Vermont, and that has created some pressures on our school.

We have been focusing through this grant process on changes that might be made in the school, and we are very concerned that we do this in concert with our community. To do that, we established a mission for the school. And if you would bear with me, I would like to read a section that describes our vision, and we express it this say.

We said, "A visitor to our school in the 1990s would discover that time within the school day is managed to widen the breadth of experience of students and staff, that people are paired and grouped to complement and enrich the learning experience, that students have internalized the concept of their own best work, that students, armed with the tools to do real work, begin lifelong partnerships with the work place, that every student has documented his educational journal from grades K-12 in the form of portfolio evidence, that this evidence, readily available, provides the student with a sense of immediate and long-term accomplishment, and consequently promotes self-esteem, that regular opportunities for constructive feedback consistently improve the system, and that student and staff empowerment is heightened by these responsibilities. This positive change requires continued interdependency between school and community."

I do not think there is anything in that statement that flies in the face of the bill that you propose, but I do have a couple of concerns. One is that there is no historical precedence for budgets to be defeated in my town, and we are currently waiting for our second vote on our budget for this year. That concern has been expressed to you before.

In our case it is partly due to the fact that we did bond and are building a building, and so we are seeing a dramatic increase in tax over one year to local residences. But it also is the fact that to restructure, to change, to modernize, to provide students with the tools, the technology, schools are being called to do something that they have not been called on to do before; that is, to educate every single child, to become an active member of society in a world of work that is primarily knowledge work. And I think that that is a great task that we are undertaking.

Your bill provides some encouragement along that line, but I think that we need to be very cautious about feeling that this bill as it is written would provide the funds, if not the flexibility to make that happen.

When I read this, it at first was a bit of an astonishment to me to think that we could not already do the things that you are asking us to do in some sense. Whether we are talking about Chapter II or Title II, or Chapter I funds, the major Federal entitlements that we receive, our intention has been to use those funds in the best way we saw fit, providing that they meet the basic needs for the groups of children that they were intended to, but also in concert which this, which might mean a remarkably different model for delivery of those services. It might mean shifting the way we spend funds or some of our priorities in spending funds. And I appreciate the fact that the bill in some sense says that that would happen.

I think that, as a point of clarification, I read that there is a difference between saying that we would not remove, lessen or change the mandates and protections of the Educationally Handicapped Act to saying that services would be provided in the way we have always provided them with the same process. I think that we are aware and very cognizant and encouraged by all the safeguards that are built into that act for those children, but I think there is a case that we do—that and all those other areas that I mentioned, we do need flexibility.

Clearly, as has been stated before, we need financial assistance to make these things happen, and I did not read that strong commitment, a strong commitment in that way in the bill, and that would be the major area that I would suggest that focus be put on this bill.

[The prepared statement of Ralph Hudson follows:]

12/12/89

CHALLENGE GRANT PROPOSAL

DANVILLE VILLAGE SCHOOL

HISTORY

The Danville Village School Challenge Grant Team consists of eleven members: the two building principals, the school board chair, three teachers who represent primary, elementary, and middle-secondary, three parents representing K-12, and two high school students. The members of this team are not new to the reorganizational effort in Danville.

Since the 1987 school year, when Danville began its Public School Approval process, these and other people have worked to accomplish specific goals: a 3.9 million dollar bond vote for building construction; a community launched and funded $27,000 playground project; the integration of the K-12 unit from an antiquated facility to the new K-12 complex; staff development initiatives, including fifty percent staff participation in the school development institutes, and extensive outreach to the community to develop and endorse a mission statement (Appendix A); continuous empowerment of the classroom teacher through an inservice committee, team visitations, sabbaticals, interdisciplinary teaming, adaptation of the middle school concept, and implementation of the teacher advisor program; and community involvement projects indicating local pride.

GOALS

Since September of 1989, the Danville Challenge Grant Team has coalesced the above ongoing restructuring efforts in the embodiment of the Challenge Grant. Our history demonstrates that your investment will allow us to dramatically restructure our school for very high performance. Our goals for this grant are to effect change in four major areas: time, resources, learning, and assessment.

LEARNING: To restructure the learning and teaching environment for effective, meaningful student outcomes. Only the students' "own best work" is accepted, work which is substantially better than the work presently submitted. Students will work at their own pace through a series of content area modules, each requiring excellent accomplishment before proceeding to the next.

Instructional tools include team and thematic teaching, the whole child approach, attention to motivation, utilization of integrated resources, student participation in personal goal-setting and instructional planning, access to information including a networked interactive resource center in each classroom, use of original sources, and appropriate staff development for optimum teacher performance. Learning as a lifelong process is demonstrated by all members of the school community.

TIME: To restructure the school day to allow for common planning time within the grade level as well as among the grades, a four-hour daily block of team teaching time for the middle school, a thorough investigation of research on school year length, and the continuous assessment of both the existing and the newly restructured programs.

RESOURCES: To restructure the use of existing resources to develop greater access to technology, and to build upon the present community and parent involvement by creating the position of Community and Resource Organizer. This position entails surveying all community resources and available technology, and facilitating the integration of these resources into the classroom. The students will assume partnerships with the community to heighten their awareness, motivation and performance.

ASSESSMENT: To restructure the assessment process to evaluate the enriched work and high student performance. Methods of assessment include portfolios and feedback mechanisms in which students, staff, and community participate in evaluation each semester. Current utilization of standardized testing will be maintained. A review of testing's role in the restructuring effort will be conducted at least annually. The entire project for restructuring will be evaluated by the team each semester. The main criterion utilized will be the comparison of the portfolios to evaluate the student's "own best work." Substantially better performance on standardized tests will also be seen.

TIME LINES

By September 1, 1990, we will have interviewed and hired a teacher to serve as Community and Resource Organizer. We will have restructured the school day to include planning and assessment time. Inservice programs will have been implemented to prepare faculty and staff for the year's restructuring activities. Pilot modular and thematic units will have been planned.

By October 15, 1990, we will have formed several interactive teams to work on portfolio, staff development, primary, middle, and secondary instructional studies, school year length, information access, and motivation.

By November 15, 1990, teachers and students will have assembled and reviewed the first group of portfolios. Staff development activities will be continued. The Community and Resource Organizer will have completed an initial survey of resources.

By January 15, 1991, the second group of portfolios will have been compiled and compared, the first feedback evaluations will have been reviewed, and the entire project assessed by the challenge team. The Community survey will have been completed and integration planning begun.

By April, 1991, the third group of portfolios will have been assessed, pilot projects will have been implemented, and team studies continued.

By June 15, 1991, the fourth group of portfolios will have been assessed and the yearly review completed; second semester and yearly feedback mechanisms will have been reviewed and used to evaluate the program, standardized testing and annual review will have been completed. An evaluation of the entire program will have been reported. The year's staff development activities will have been carried out. Planning for the following year's restructuring efforts will have begun.

TECHNICAL ASSISTANCE (EMBRYONIC LIST)

- Educational Institutions:
    - University of Vermont
    - State College system, especially Lyndon
    - Plymouth State College
    - Vermont School Development Institute
- Vermont Department of Education
    - School Improvement Team
    - Educational consultants
- Vermont Historical Society
- Vermont Department of Libraries
- Model Schools:
    - Kennebunk, Maine (middle school)
    - South School, Londonderry, NH (elementary)
    - Craftsbury Elementary (VT)
    - Hardwick schools (VT)
    - Thayer High School, Winchester, NH
- Vermont State Police
- Catamount Arts
- Local Cooperating Businesses:
    - Cabot Creamery
    - System Sales Representatives
    - New England Telephone
    - Danville businesses
- Educational Technology:
    - Champlain College
    - Vermont Technical College - interactive television
    - Champlain Valley Union School

BUDGET 1990-91

Salary and benefits for the Community and Resource Organizer	$24,000
Staff development expenses (speakers, courses, travel)	10,000
Enrichment materials for classrooms at $15 per child K-12	6,000
	$40,000

See Appendix B for alternate budgets.

VISION

The mission of the Danville Village School is to build a foundation for lifelong standards of excellence, emphasizing learning, respect, and self esteem as priorities for each individual. (Adopted December, 1989.)

In our quest to restructure Danville Village School, we recognize that the program which we are currently providing our children can be changed to make it a more valuable educational experience. A visitor to our school in the 1990's would discover that time within the school day is managed to widen the breadth of experience of students and staff, that people are paired and grouped to compliment and enrich the learning experience, that students have internalized the concept of "own best work," that students, armed with the tools to do real work, begin lifelong partnerships with the work place, that every student has documented his educational journey from grades K-12 in the form of portfolio evidence, that this evidence, readily available, provides the student with a sense of immediate and long-term accomplishment, and consequently promotes self-esteem, that regular opportunities for constructive feedback constantly improve the system, and that student and staff empowerment is heightened by these responsibilities. This positive change requires continued interdependency between school and community.

ABSTRACT

Danville Village School is ready for innovation. Spurred on by the 1987 Public School Approval process and the successful passing of the bond vote, the community is merging on one site a K-2 facility with the 3-12 complex. In order to effectively build a high performance K-12 system, the eleven member challenge team has identified four specific goals:

To restructure the school day
To restructure the use of existing resources
To restructure the learning and teaching environmental for effective meaningful student outcomes
To restructure the assessment process enriching both student and school performance outcome measures.

We will launch the project in September of 1990, and monitor its development throughout the school year. It will be fully implemented by June of 1991. Key factors in the implementation will be utilization of technical assistance, selection of the Community and Resource Organizer, integration of these identified resources into the instructional environment, and feedback and evaluation. Funding the start-up costs of the first year is requested. The Danville Board of School Directors has agreed to support the expenses for subsequent years.

This effort is a mosaic reflecting the interdependency of community and school, staff and students, and local and state entities. Multidimensional restructuring will work to fulfill the school mission: "To build a foundation for lifelong standards of excellence, emphasizing learning, respect, and self-esteem as priorities for each individual."

APPENDIX A

MISSION STATEMENT:

The mission of the Danville Village School is to build a foundation for lifelong standards of excellence, emphasizing learning, respect, and self-esteem as priorities for each individual.

APPENDIX B

Budget for $20,000 grant:

Salary for Community and Resource Organizer, Part-Time	$ 6,000
Staff development expenses	10,000
Enrichment materials for classrooms	4,000
	$20,000

Budget for $10,000 grant:

Staff development expenses, speakers courses, travel	$10,000

Mr. **Poshard**. Thank you, Mr. Hudson.

Peter?

Mr. **Smith**. I think really for each of you, the thing that we are trying to do here is literally invent a way in which power and authority that you take for granted, and indeed much of Vermont takes for granted, can be transferred to the people who have the primary responsibility every day for young people and do that in a way that one protects the fundamental rights as guaranteed by law of those children and also encourages planned experimentation and innovation in terms of how to do schools—well, invent schools to do business differently.

I mean this is a very—we all know the research. We all know the examples, and what we are trying to do, I think, one of the things that is so troubling to people is that we are not stating what the model will look like, you see. We are saying that no model will be accepted that does not guarantee and protect children's rights currently guaranteed under the law; that does not show evidence that higher learning, better learning, more learning will occur. It does not commit to be open to evaluation, et cetera.

Now, what I guess I need to hear from you folks is whether, and incidently, that is approved by the community. In other words, you never get to even have the State Department, Education or anybody else look at it unless your community is behind you.

Are you comfortable procedurally with that kind of a shift of authority?

Incidently, it also goes without saying, but I will say it. If everybody likes the way they are doing business, there is absolutely nothing in this bill that tells you you have to change. You can keep doing business exactly the way you are, so that the mandating issue is not there.

Are you comfortable, in general, if we can make those protections and those guarantees as appropriate, are you comfortable with that process and that transfer of authority and responsibility, because that is the fundamental question, I think? Any of you?

Mr. **Marshak**. I am comfortable with it. I think that that is clearly desirable. I think that I agree with the underlying assumption which is that the people who are most directly involved with schools and the communities—the people in the communities that are a part of them are the people who need to be making those decisions.

I think implicit in your language also that there is not a model is that I hope 10 years from now—you know, we live in a society in which there are many different models for schools, and that schools will be different in different places for a variety of good reasons, that there is not a single model that we have right now or one common model.

The concerns that I have are, and these echo some of your previous panel, that there are two levels. One is that the procedures need to be economical in the sense that if we have to spend so much time dealing with the procedures, that the energy goes into dealing with the procedures and not into changing school, that is a waste of time.

Mr. **Smith**. Of course.

Mr. **Poshard**. Sure.

Mr. Marshak. And that is a real concern that the previous panel had, that I have also from years of dealing with the Federal Government.

One of the ways I think that is key to getting around that is, and again I would argue this needs to be stated more clearly in the language of the bill, that the definition of higher performance is one that needs to be articulated at the local level. The school or school district that is proposing to enter into the agreement needs to define what is they are going to accomplish. And then the preponderance needs to be such that the state will accept that unless it is completely out of line. And it seems to me that that would then—if that were clear in the language of the bill, that would help to accomplish conveying the feeling to those of us at the local level that we are not going to have something put upon us, which is not what you intend from what I have heard you say, but that we are going to be creating something. I am perfectly comfortable with having the schools create the goals and then be responsible to achieve them. I think that is what we need to be doing. We have not been. I think we need to be doing that.

Mr. Poshard. And it would also satisfy your concern about how we evaluate those subjective areas, because certainly we cannot do that from the National level. I mean, there is no way we can standardize citizenship or appreciation of other people's values or ethnicity or anything like that. That can only be done at the local level through the local people.

And we feel that that is another strength of this approach, because this does enable you to somehow or other objectify these very subjective areas at the local level and see if your students are progressing in those areas. Right now there is nothing, in my judgment, that enables you to do that.

Mr. Hudson. In the bill as well there is lots of references to assurances by various people. And I will be honest. I have some concern about what that might be once the bureaucracy of making the process, putting the process in place-exists. You know, that the bill does not state how that will be done, and I understand it may not, but that is a real concern, I think, because an assurance can be as simple as a written response saying, We certify in my district under the—you know, under any one of these programs, you know, are being fully and adequately served. It could be that simple, and I think that for schools, clearly, time has become money and the pressures of money are great on us.

Mr. Smith. You folks think about these things, frankly, and talk about them amongst your colleagues at least as much, if not, I dare day because that is your livelihood and your profession, more than Congressman Poshard and I do. From the point of view of someone who is listening and then got to go home and think about what you have said and try to convert it into this legislation, I need for you to seriously take us past what is a Catch 22 situation, and I think that is exactly what the previous panel did also.

You are saying, on the one hand, you are worried about the bureaucracy. You are saying, on the second hand, you want to make sure children's rights are guaranteed. And you are saying, on the third hand, that you want to do it locally.

Now, we have taken the best cut we know how for 12 months to write that. If in fact you mean all three statements, I urge you if you see a better way to be clear please, if not today, write us and give us some ideas, because candidly one of the reasons schools do not change is we get right to this point and then everyone says, well, that is just too complicated, do not know how to deal with it and we go home. Okay?

I am not here because I do not want to push this thing through. I want to make it right and I want to make it available for districts who wish to use it. For those who do not, you get to the point and say too much bureaucracy for me, do not have to use it. It is an elective program.

But those are all three valid, important statements. Unless we just simply want to accept them as being counterprodutive one from the other, or irresolvable, we have got to figure out the next step, and we think we have taken a pretty good cut at it.

Mr. **Poshard**. Mr. Schnare.

Mr. **Schnare**. One other alternative that may put you in more of a box. I think those districts that are going to do it are going to do it whether you have your legislation or not. Those districts that want to take control of those things, those districts that want to restructure are willing to take the risks and willing to do the things that they have to do whether or not there is a Federal act or not.

Mr. **Poshard**. Except that they are not permitted in some ways——

Mr. **Schnare**. That is right.

Mr. **Poshard**. [continuing] to do that at this point in time without this legislation.

Mr. **Smith**. That is like Hymie Escalate being found in violation of Federal statute even though he is considered to be one of the finest teachers and has been made a national hero of teachers, and it turns out he is in violation of the rules.

Now, which would we prefer?

Mr. **Schnare**. The other side is I think probably this is the only way that the Federal Government is going to impact on local schools in a reasonable way any more, given the reputation for bureaucracy and assurances and all those kind of things. If you can come in with and accept that the local people know what needs probably better than Washington does.

In the past it has often been, well, this is what you need and this is how you are going to do it, and you may write your grant according to these vary narrow parameters. But if you will truly allow us to build an innovative program that meets what we see as our problems rather than what somebody else sees as our problems, then probably we will work around the bureaucracy or we will be willing to live with the level of that provided that you will support us in our attempt to do what is right.

Mr. **Poshard**. Mr. Schnare, I think from my perspective at least, this is where we have gotten a little bit off track and I think Peter's bill seeks to realign things.

The Federal Government's involvement in education has been for the right reasons for the most part, and that is to guarantee equal accessibility and civil rights within the process so that no student is neglected, and that is a right and justifiable intervention on the part of the Federal Government.

Where we have gotten off track is that through that process the Federal Government has sought to dictate further the ways in which we teach children and that is what is best left, in my judgment, to the local people in the local communities.

Now, again, we want to say we do not want to abdicate that right and justifiable intervention on the part of the Federal Government, but we do believe——

Mr. **Smith**. And will not abdicate it.

Mr. **Poshard**. That is right. But we do believe that the local people and the local school districts definitely should have much more to say about that teaching structure and administrative structure within that district to accomplish what needs to be accomplished for their children.

Ms. **Baker**. I guess it comes down to a level of trust in us as professionals, and then a way of people who think that some child's rights have been violated to be able to find redress.

Mr. **Smith**. See, there is nothing in this bill that eliminates any of those ways. Absolutely. I would not touch that for personal, human or professional or political reasons. You are absolutely right. The more we try to invent and do things different, the more people need the protection that is given them by law. Absolutely, and you are right. It does come down to trust. It is mutual, because we live in a world that does not trust local educators and does not trust teachers. And what is so stunning about today is that I wished that we could bring our colleagues here to listen to you. We had the same experience in Illinois. Any place we would go, we would have the same experience, I know. And let them hear what people really want.

Mr. **Marshak**. I do not have that concern. I do not see any intent in your bill to violate or abrogate any rights.

Mr. **Smith**. There is not any.

Mr. **Marshak**. And I see that—I mean, when I heard that testimony before, I see that as a—you know, that is part of a reaction to change.

Mr. **Smith**. That is right.

Mr. **Marshak**. Which is that people get anxious about change and they see threats where threats are not necessarily there.

What I would like to respond to is your sense that the three forces that you described that you feel in some way that we, or the previous panel are presenting a Catch 22. I do not see them as contradictory at all.

Mr. **Smith**. Okay.

Mr. **Marshak**. I see they need to be in balance. If you remember some simple physics experiments, you can have three forces relating to each other and balance them out.

What I am talking about is clarity and a quality in the bureaucracy that has to do with assessment, that makes the assessment genuine. So that whatever stuff we need to do to demonstrate to the state or to the Federal Government that we are, in fact, doing what we have said we are going to do and we are, in fact, accomplishing what we said we are going to accomplish, or if we are not, how we can redress it, that those are genuinely valuable activities in and of themselves. So that they are not being done only to meet the requirements of the program.

Mr. **Smith**. Yes.

Mr. **Marshak**. And I think that can be done. You know, we are involved in developing program assessment activities in our own district, and we are working with a committee of teachers. We have exactly the same dynamic with our colleagues, which is nobody really believed, because assessment has always been seen as being intrusive, external, something that somebody does to you.

Mr. **Smith**. To you, right.

Mr. **Marshak**. And that it cannot relate to your own needs to know what is going on, we are living the same dynamic in our schools right now.

Mr. **Smith**. Absolutely.

Mr. **Marshak**. And we have to change that culture in our own schools. And I would argue that if this bill were structured in such a way that the assessments were genuine and gave valuable information to the people who did it, then we would break through that. And I would be happy to—you know, I cannot do this now, obviously, but I would be happy to respond to you or to Mr. Weiss in terms of some of the specifics of this.

Mr. **Smith**. If you have time, it would be terrific, or if any of you would, because this whole bill is aimed at addressing the classroom or the school as a work place and as a culture and understanding that until we make it a better culture for the adult professionals, it cannot by definition become a better culture for children, regardless of where they are coming from or what their needs are.

And so, instinctively your—I posed it as a Catch 22. I agree, though. I do not see those three forces as countervailing. They are simply realities that need to be walked through and dealt with and kept in mind and on the plate and watched. But instinctively the essence of ownership of investment, whether it is of a parent or a child or a teacher or school board member or an administrator or a community is that they determine the deal. Now, there is still a design envelope out there, and I have not heard a person today say that we should change that design envelope, the large one involving rights and processes and procedures, and I appreciate that because my concern is there may be places in this country where people would misinterpret this bill, and we do not want that to happen. We are writing—we talk about trust. The concern has to be when you write a Federal law that beyond what you intend, that how it is interpreted is, in fact, trustworthy also. And so we need to be very, very careful about it, and we are trying to be.

Mr. **Poshard**. Let me just make one other statement, and then we will have to wrap this panel up. In regard to the concerns that you folks, and I believe the other panel, expressed about the sunset provisions and the budgetary process, it is our hope that should this bill pass or become law at some point in time will have enough money appropriated to support those 45 participating schools from across the country over the period of time.

Mr. **Smith**. Yes.

Mr. **Poshard**. But this bill will be a data collection bill in a certain sense that would give justification for advocating this approach nationwide. It is not in itself advocating that every school in the country be changed until we see if it works. But all we are really saying is we are hopeful of getting the money for these schools that will act as prototypes. And if successful, and we think it could be, then that, of course, would lend us some credibility for advocating this as a national approach.

Mr. SMITH. But in no regard, I mean obviously if we have a successful—in bluntest terms, we are not going to force all those who have participated to stop doing what they are doing.

Mr. POSHARD. Oh, no.

Mr. SMITH. But you have to set it up so that if it is working well around year four, we would come back. And I want to be clear with something that I just heard you say. I do not anticipate ever having a program like this that is mandatory on every school district in the United States.

Mr. POSHARD. No, we are not saying that.

Mr. SMITH. I mean that is not the nature of the change.

Mr. POSHARD. In regard to money, I have spent enough time in the school districts to know that if you get seed money to start a program for two years with the hopes that the district is going to pick it up after two years, it never happens. They just do not have the money to do it. So that is not what we are advocating here.

I think that this approach, just in terms of the Federal and state dollars used for education, is a much more cost effective, efficient approach, and that school board ought to adopt it for that reason alone even if they do not see the educational value of it. I think it is a better use of the funds that we receive, and I really believe that in the end it would be a cost-effective, efficient approach.

Thank you very much for participating. We appreciate that.

Our last panel is: Mr. Richard Villa, Winooski Supervisory Union; Joan Sylvester, the Association of Retarded Persons; and Judy Dickson, Vermont Disabilities Association.

Mr. Villa, we are beginning with you, sir.

STATEMENT OF RICHARD VILLA, DIRECTOR OF INSTRUCTIONAL SERVICES AND STAFF DEVELOPMENT, WINOOSKI SCHOOL DISTRICT

Mr. VILLA. I am the Director of Instructional Services and Staff Development for the Winooski School District. And so it is in that capacity that I am here to speak today. I am pleased to have an opportunity to comment on the legislation which has been proposed by Congressman Smith.

There are several aspects that I find particularly noteworthy. First and foremost, your emphasis in the legislation is on the performance of students. And the performance of students participating in the program must improve or the agreement will be voided. So I think that it is excellent that the outcomes emphasis is out there and it is very clear for people, that it is understandable.

The legislation looks at the importance for providing an appropriate education to all students. And you are emphasizing that, that we need to be responsible to all of our students to assure that they have an appropriate education.

The legislation is designed to address some of the failures that are associated with our current organizational structure and instructional practices. And it is insightful in that it does not say that this is how you are going to do it. It is going to give the local decision makers the opportunity to work together to try to come with ways to remediate some of the current shortcomings.

The purpose of the legislation is to create model demonstration projects and to reform other legislation such as Public Law 94-142. The idea of it being models is that you are going to limit the scope and the number of school districts that will be applying for these educational trust agreements, and we will be assured that they are held accountable and that they are monitored appropriately.

The local performance agreements will be developed and coordinated by collaborative teams. I find this of particular importance. And you place on these teams all members of the school and greater community, parents, business and community representatives, and school personnel. And I think that this highlights that the improvement of education is a responsibility that has to be shared by our total community.

The local performance agreements will be designed to allow for a year of planning, and then followed by five years of implementation. And I think that again is sound decision making because you are going to give people the opportunity to be very thoughtful, to involve their community in the process; to go in front of the local officials, their school board; and to have the participation authorized.

The funds that are generated through these local performance agreements are not funds which will be used to supplant programmatic funding. So again we are not trying to take money away from services for children, but the emphasis is how to best coordinate those services and meet the needs of students.

The mandates of the Education of the Handicapped Act are protected. You seek assurances of that. And you are giving priority to school districts which have demonstrated compliance with the Education of the Handicapped Act, Federal laws, and regulations with respect to civil rights, discrimination and safety.

And I think that in so doing that what you are saying is that we are not trying to give funds to people who have been trying to avoid their responsibility. What we are saying here is that these funds will be available for people who have demonstrated that they are committed to the assurances and to providing excellence and equity in education, but now we are going to give them some opportunities to brainstorm creative problem solving ways to do it more efficiently, more creatively, and more effectively. The local performance agreements will be reviewed and evaluated annually.

In closing, I would just like to say that the appropriate education of all of our children is of paramount importance. There is a growing recognition at the present time that our educational system is failing many and some would argue all of our children in terms of not preparing them for life in the complex twenty-first century.

I commend Congressman Smith for his attention to this timely and important issue, with an equal emphasis on both equity and excellence in educational reform.

[The prepared statement of Richard Villa follows:]

Testimony in Support of a National Demonstration Program for Educational Performance Agreements to School Restructuring

My name is Richard Villa. I am Director of Instructional Services and Staff Development for the Winooski School District. I am pleased to have the opportunity to comment on the legislation proposed by Congressman Smith.

There are several aspects I find particularly noteworthy:

- The performance of students participating in the program must improve or the agreement is voided.
- The importance of providing an appropriate education to all students is emphasized.
- The legislation is designed to address some of the failures associated with our current organizational structure and instructional practices.
- The purpose of the legislation is to create model demonstration projects and not to reform other legislation (eg. 94:142).
- Local Performance Agreements (LPA) will be developed and coordinated by collaborative teams which are comprised of parents, business & community representatives, and school personnel.
- LPA's will be designed to allow a year for planning and five years for implementation.
- LPA generated funds may not be used to supplant programmatic funds.
- The mandates of the Education of the Handicapped Act are protected.
- Priority will be given to school districts which have demonstrated compliance with the Education of the Handicapped Act, Federal Laws, and regulations with respect to civil rights, discrimination and safety.
- LPA's will be reviewed and evaluated annually

The appropriate education of all of our children is of paramount importance. There is growing recognition that at the present time our educational system is failing many if not all of our children. I commend Congressman Smith on his attention to the timely and important issues of equity and excellence in educational reform.

Mr. **Poshard**. Thank you, Mr. Villa.
Ms. Sylvester.

STATEMENT OF JOAN SYLVESTER, EXECUTIVE DIRECTOR, ASSOCIATION FOR RETARDED CITIZENS

Ms. **Sylvester**. Thank you. I am Joan Sylvester, and I am the Executive Director of the Vermont Association for Retarded Citizens. And I am here making my personal observations. Our association has not taken any formal position on this bill.

One of the advantages of being here since 11:00 or something is to hear the other testimony that has gone before me. And I have a swirl of comments going through me, so now I wish that I had not written my own testimony.

Mr. **Poshard**. Remember the first thing we said was that statements will be submitted for the record no matter what, so if you just want to go ahead and talk, that's fine.

Ms. **Sylvester**. You have had some excellent observations. And I think that maybe I would just like to focus more on the parental involvement part of this mandate. Because Rich and I co-chair and we have agreed on all of his testimony.

In reviewing any of this legislation, first I would look at it from our ARC philosophy as far as how do we feel about people with disabilities. And our philosophy obviously is one of inclusion and total inclusion. How are they a part of our lives, and how are they a part of our communities. How does this piece of legislation actively involve those people and parents in step one and day one.

And I have to say that it has been my experience over many years that wherever I am that I always have to ask the question are parents going to be part of this planning process. And I have to sadly say that probably eighty to ninety percent of the time that they have not been included, their opinions have not been valued, and they have not been part of it at all.

I am delighted to see on paper that this says parents and everybody should be part of this planning process. How it is implemented is going to be the challenge. And you can certainly rest assured that here in Vermont as a small state, a beautiful state as we are, wherever we know that there is some planning going on that parents will be there.

I am not sure what it will be like in Illinois, and I am not sure what it will be like in the other four states that are selected as the model demonstrations. I cannot emphasize enough the importance of making sure that when that plan or that educational performance agreement is looked at by the state director and the secretary that someplace that there has to be a guarantee that the parents were part of that planning process from day one. Not that they signed off on the plan after it was already made, but that they were involved in that very first meeting.

And I am very firm about that. Because like I say, it is my experience that they are not always there seen as valued parts of it. And another person had suggested students as being part of that, and I think that that is an excellent idea.

The parts that we do like is the smallness of numbers. It is more manageable. The accountability, a yearly plan is certainly laudable. And I would even appreciate what Janet Jamieson had talked about as far as the evaluation goes. That you are not just going to be doing a paper review, but you consider doing some on-site one on one interviews perhaps. I am not that conversant about assessment, but I do know that you need to do more than just a phone call or sending in the monitors from the Federal Government, and here you are doing your paper chase. And I really did like her idea.

Also as far as paperwork goes, I noticed in the bill to reduce paperwork. I would not be on anything just for the sake of reducing paperwork. I am in favor of what you are trying to do, because I am assuming that it is supporting efforts that are allowing and insisting on parental involvement, that you are really trying to create more corroboration and cooperation between regular and special education, which is what we have been trying to do and maintaining for many, many years that process.

One of the things that our office has received a lot of letters and received a lot of phone calls on, and I am not sure what you can do to allay these fears, is that your bill is going to take away the rights of handicapped people and the rights of parents around Public Law 94-142. I have heard you today and I have read the material, but I know that you are going to continue hearing it. I have heard from people in Illinois on this issue, and have had long conversations with some of the leaders of the Parent Information Centers. I said call Peter Smith's office, I am not the one who is going to assure you.

I have read it, and I think that someplace and somehow those fears are going to continue, and I am not saying that they are not legitimate. We have had a long hard battle in getting Public Law 94-142 signed by Gerald Ford, you will recall. And there are still battles that are going on in local districts. And I do not know what you can do to allay those fears. I certainly would not want to be part of any effort that would want to dilute or do away with parents rights or in any way do away with safeguarding that. So I certainly would go on record on that.

And I think one quick word on the funding. With such limited funds, I am assuming and I should not use this word assume, I see that the bill would not supplant funds that are going to programs. And I was interested in what you said earlier where there were some extra funds that were not being used, but because of the regulations that they could not be used in another program. I would love to know where there are extra funds. I have never seen extra funds in special education. So I liked your comment, that someplace there must be some.

Mr. Poshard. You understand that the formulas that drive certain of the Federal programs allow percentages to be spent on different things. And it may be in a particular year that you do not need money in this area but you need it in another area. You ought to be allowed to switch that over.

Ms. Sylvester. And I understand that. But I was just trying to think in special education have we ever had a surplus of funds. I have never heard of it. But I understand what you are getting at in that area.

And I just wanted to go on record as saying that we are in favor of that, but we do not want to supplant the funds that would be going to those that have been labeled disabled.

And I think just one comment as far as the state departments. That once these education performance agreements are in place that the state department would be expected to provide technical assistance and funds sufficient to meet the costs of developing comprehensive and detailed plans for those local performance agreements.

Just having come out of the halls of the legislature, I am kind of bemused when I read that. Because at this point in time, they have taken a severe cut. So there really would have to be some serious negotiations on how the state department would be able to provide that technical assistance.

And they may be able to contract or subcontract with those out in the field who are doing a great job who would be able to help others. I mean in Vermont we have a great network of professionals who help each other sometimes without pay. And I think that you would have to explore that and be a little bit creative in that area.

But I do agree that we do certainly need more flexibility. We certainly need opportunities to be a little bit more creative. And I like the notion that if we are trying to do something on the model demonstration and not change procedures and not change the rights or what have you, and generally selecting five states who have demonstrated ability and demonstrated success in compliance with say Public Law 94-142. So it is not going to give it to a state that would love to just get out of paperwork, because they do not want to deal with the handicapped child.

I have just been around so many times where they are not always looked as the valued citizen, but they are looked at sometimes as a burden or something that they have to do.

[The prepared statement of Joan Sylvester follows:]

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Comments on Rep. Smith's Bill to re-structure education

From Joan Sylvester

Date: May 7, 1990

I am Joan Sylvester, Executive Director of Associations for Retarded Citizens. I also co-chair the Vermont Coalition of the Handicapped's Education Committee. However, neither organization have taken a formal position on this bill, therefore, I offer my personal observations and comments.

I would like to thank Rep. Smith for tackling this issue--educational performance and for responding to the concerns expressed by a diverse group of people around how to best educate our citizens.

In reviewing any piece of legislation that impacts on people with disabilities, I look at the purpose of the bill, how that purpose fits with our philosophy and mission and how do the individuals and their families have input and involvement as valued participants?
The ARC philosophy has always been that of promoting opportunities for people to live and be a part of our communities. Translated that means having people with disabilities included in all aspects of our lives.--regular classrooms with appropriate support, in the workforce and living and recreating in the communities. We work very hard at disspelling the myths that still exist in society. We work very hard at making sure that their voice and the voice of their families is heard at all levels of policy-making.

Given this, I would like to make some brief observations on the draft dated March 29, 1990.

Under findings and purpose there is much to be said of the "imposed regulations by the federal government", thus impeding the needed flexibility and freedom in designing what is needed on the local level. At the same time, however, for those with disabilities, had we not adopted strict policy and regulations regarding the free, appropropriate public education for all handicapped children, some students would not be receiving services today. Needless to say,there is a delicate balance between imposing federal requirements and letting the local districts devise their requirements. I do feel very strongly that federal government must take a leadership role with flexibility for innovative and creative solutions to occur on the local level. This proposal does not actually change any of the procedural rights or safeguards; it allows for small demonstration model projects.....

Let me say one thing about paperwork. I realize there is far too much paperwork involved, I realize that most of the time people want to provide quality services....that schools want to include parents...But I have also been in places where the driving force is dollars, where parents in their frustration have had to plead with local schoolboards for services. I would not support something for the mere fact of reducing paperwork. I go on record as supporting efforts that will allow and insist on parental involvement from "day one", that will create more cooperation and colloboration between regular and special education.

I can't emphasize enough the importance of parent involvement. **We want to make sure that individuals and parents are included in step one regarding any proposed changes on the local level.** Today, we are still reminding agencies and state leaders to include parents in the planning and often, I find if those from a parent advocacy organziation are not there to do the reminding, parents are not automatically included in the planning groups. This proposal does require that parents are involved in the planning. Pages 9 & 10 of the draft. I interpreted that to mean the plan is not accepted unless parents and other key people were involved in the plan.

You will hear alot about deregulating PL94-142 and taking away the rights of parents and doing away with due process. Obviously, none of us want that to occur. I'm not sure exactly what you need to do about this assurance--but please listen carefully to the folks on this point. It is more than an "emotional" issue; due process and guarantees were hard-fought for rights and it stands to reason that none of us want these diluted, deleted.......

The bill itself speaks in general terms about accountability, about allowing a small number of states (5) with demonstrated track record of compliance with PL 94-142 to participate. It will be the actual planning process that sets the stage.

A word on funding:

With such limited resources, I see that this bill would not supplant funding for programs and/or take away funds that belong to those who are disabled.

Any of us who have recently survived this legislative session are somewhat tainted at this point in time. Therefore, my bemusement when I read that the state will provide funding of technical assistance and funds sufficient to meet the costs of developing comprehensive and detailed plans for these local performance agreements. This assistance and funding is not impossible, but clearly there would have to be some negotiation with the State Dept. and what they can actually do in this area.

In conclusion:

Today, I can't say with certainity that this proposal definitely will make a difference in the lives of people with disabilities. Having more flexibility is appealing; having only five states apply makes it more manageable. I do know that here in Vermont we have some great and talented parents, professionals who are working together on behalf of Vermonters labelled disabled.

655-4414

Mr. **Poshard**. Thank you, Joan.

Judy Dickson.

STATEMENT OF JUDY DICKSON, DIRECTOR OF VERMONT DEVELOPMENTAL DISABILITIES LAW PROJECT

Ms. **Dickson**. I am Judy Dickson, and I am the Director of the Vermont Developmental Disabilities Law Project. And I would like to just explain what the Law Project is. We are part of the protection and advocacy system that is funded through the Federal Developmental Disabilities Act. And as part of the protection and advocacy system, it is our mandate to assure that Vermonters with developmental disabilities receive protection and advocacy around their statutory, civil, and human rights

The focus of my comments therefore will be on how this legislation affects Vermonters with handicaps as opposed to some of the other groups that are included in programs listed in your legislation. Although it has been interesting to me today listening, it seems like a lot of the comments do focus around special education, because it is special education that has the most extensive regulatory system.

As I said, I am going to talk in my role as the Director of the Development Disabilities Law Project. I am a lawyer, and therefore I have some legal analysis on things. Some of my comments however will be based on my experience as a teacher prior to becoming a lawyer, and also as a parent of three children in the public school system.

First of all, I applaud any effort at the National or state level which wants to take a look at how we are doing things and see if there is a way to do it better. I do not think that there is ever one correct way of addressing a problem. That there is some of infinite creativity in human beings, and that there are numerous solutions to every problem. And that there are usually ways to benefit from our past experience to improve on what we are doing. To the extent that that is what your bill is trying to do, I think that it is high time that we started that kind of discussion.

When I look at your bill, I see three major areas that it is trying to address. One is the restructuring of schools to provide for maximum flexibility and creativity with the ultimate goal of maximizing the potential in education performance of our nation's children.

Second, I see limitation on the amount of regulation imposed on local school districts by state and Federal Government. And that would include regulations that prohibit commingling of funds from various programs.

I see a third purpose as reducing the paperwork burden on local school districts with the goal of freeing up time and resources to actually serve children.

In my 13 years of experience as an attorney in the area of special education law, I believe that I have probably see the worst and the best that schools have to offer. I see the worst, because most people do not call me to tell me what a super job their school district is doing. They call me when things are really going wrong. So my point of view is probably somewhat jaundiced.

On the other hand, my involvement with school districts often goes beyond the initial call that everything has gone wrong, and usually involves an ongoing relationship on an individual case. So I have been able to see really what an incredible job local school districts around children with special needs.

So I have seen multi-handicapped students and particularly students with emotional and behavioral problems who are often receiving minimal or no education in our public school system. I have also see incredibly creative programs which address the complex needs of these same students. And in neither case I would like to say that has it been my impression that either the failure of a district to address a student's needs or the creativity of a district in addressing a student's needs could be directly linked to regulatory straitjackets or excessive paperwork.

It has been my experience that a district's ability to solve its problems is directly linked to the leadership in the administration, the morale of the education staff, the support given to the teachers in terms of resources, the coordination among special and regular educators, and the pooling of their expertise around a given problem, the feeling of staff that they are empowered, the training given to staff, and most importantly the sense that each child was the responsibility of the entire school.

I have seen very small school districts and poor school districts come up with incredibly creative solutions. I have seen bigger wealthier school districts such as South Burlington come up with very creative solutions.

As you have said today, in your tour of South Burlington, you have seen some very creative solutions to problems. The woman who spoke from the Cabot Creamery in talking about Cabot talked about very interesting solutions to problems that this tiny school district has come up with.

And yet these schools are subject to the same regulations as other schools. I think that what I am trying to say here is I think that there probably is a need for regulatory reform, but let us not make regulations the bogey man. You know, I do not think that we can point to regulations and say this is why we cannot do it. I think that there are a lot of other issues that need to be addressed as well.

I guess that I would like to echo what Marlene Burke said in terms of regulatory reform. And that is I think that it is important rather than saying to school districts yes, you may waive regulations but instead to look at the specific regulations that are governing each of our Federal and state programs and see where is reform warranted. And I think now with Public Law 94-142 that we have had 14 years of experience with it. Perhaps we are ready to start that process rather than have a system where we are going to essentially waive some regulations.

I am particularly concerned about waiver of regulations in programs for children with special needs. I look at your legislation and I see two concepts that I guess I feel I need some more explanation on how they are going to work. One is that schools can apply and receive waiver of certain regulations. On the other hand, I see assurances that the protections of Public Law 94-142 will not be waived.

The Public Law 94-142 in its regulations are almost entirely procedural. The only substantive requirement of Public Law 94-142 is that children with special needs be provided a free appropriate public education that is especially designed to address their needs. It is basically saying to the schools you have total flexibility around each individual child, and in fact you are required to design an educational program that addresses their needs.

The rest of Public Law 94-142 is procedural. It is all a series of steps to guarantee that the individual program will be developed and to assure that parents are involved and have the ability to redress any violation of their children's rights. So I am having difficulty understanding and envisioning the implementation.

The second area that I am concerned about is the commingling of funds. And again I think that I am going to be echoing the concerns addressed by Marlene Burke and by Janet Jamieson. There are historical reasons why Public Law 94-142 prohibits consolidation of funds. When schools were not required to target children with handicapping conditions, these students received minimal and in many cases no education at all.

There are still many children, especially those with emotional and behavioral handicaps, who are excluded from schools. Many other children with disabilities even with Public Law 94-142 are not receiving a free appropriate public education. Many schools districts take their mission very seriously and do an excellent jobs. Others, however, still regard Public Law 94-142 as that law that is trying to tell them what to do.

I fear that with commingling of funds that the school districts who consider educating handicapped children as a burden would let those children once again sink to the bottom of the barrel while the funds are used for other purposes.

I realize again that there is this tension in your bill. You are saying that yes you can combine funds, but you cannot neglect your statutory obligations to target populations. Again I am having difficulty envisioning how we can do both of those things at the same time. Again, perhaps my perspective is somewhat jaundiced by what I have seen over the last 13 years, but I do have those on-going concerns.

I would like to also emphasize what Joan Sylvester just said in terms of only considering districts who are in substantial compliance with Public Law 94-142. I am glad to see that your bill now has that included in it. At this point, I am not sure which version of the bill that I am commenting on, because I was sent I guess the March 20th bill. I understand that there have been a couple since then. But anyway that is a real concern of mine. I feel that only districts should be considered that have been in substantial compliance with Public Law 94-142.

My final comment would be regarding assessment and evaluation. In terms of evaluation, I think particularly when you are dealing with a handicapped population that it is very important that there be evaluations that are based on individual performance.

Because I think that it would be very easy to take even handicapped students as a group and evaluate them as a group and look at improvement as a group, and yet some children with severe intellectual disabilities could be doing worse and could be neglected, and yet attention to other children could bring averages up. So I think that there needs to be some form of assessment which really looks at individual performance across the spectrum.

My other comment is that although I do not have problems with schools setting their own goals for higher performance and even the measures that will be used to determine whether that has been met or not, I would like to see at some point state and Federal overview of the assessment process. I really think that if you are doing a national demonstration project that self-assessment as the measure is really a step of trust that I would not be willing to take.

Mr. SMITH. I would love to commingle some of these panels and listen to the conversations.

Ms. DICKSON. I do not think that we are that far apart. Just as a closing comment, I think that it is incredibly important to afford our teachers the kind of training and support that they need to address the broad spectrum of student needs. And that in schools where it is working now, I think that that is really being done.

I think that Vermont has really taken some big steps in the last year through our Special Commission on Special Education and some legislation that came out of it to really look at treating teachers as professionals, and giving them the kind of respect and training that they deserve, and really expecting that as professionals that they are going to look at the needs of all children and how to address them. So that each teacher in each school really takes ownership of every student.

Thank you very much.

[The prepared statement of Judy Dickson follows:]

Proposed Legislation To Establish A National Demonstration Program For Education Performance Agreements for School Restructuring.

Testimony of Judith F. Dickson
Vermont Developmental Disabilities Law Project
May 7, 1990

Thank you for inviting me. The Vermont Developmental Disabilities Law Project is specifically funded through the federal Developmental Disabilities Act to provide protection and advocacy services for persons who are developmentally disabled. During the fourteen years which the Law Project has been in operation, well over fifty percent of our cases have dealt with special education issues. The main focus of my comments, therefore, will be on how the proposed legislation would affect the legal rights of students with handicapping conditions and their parents.

It appears that this legislation is looking at three major issues:

(1) restructuring of schools to provide for maximum flexibility and creativity -- with the ultimate goal of maximizing the potential and educational performance of our nation's children;

(2) limiting the amount of regulation imposed on local school districts by state and federal government, including regulation prohibiting co-mingling of funds from various federally funded educational programs;

(3) reducing the amount of paperwork required under various federally funded educational programs.

In my thirteen years of experience as an attorney in the area of special education law, I believe I've seen probably the worst and the best schools have to offer. I've seen multi-handicapped students, and particularly students with emotional and behavioral problems, who were receiving minimal or no education in some districts. I've also seen incredibly creative programs in other schools which address the complex needs of these same populations. In neither situation could it be said that the success or failure of a district to address the needs of these students could be traced to regulatory straightjackets or excessive paperwork. Rather it could be attributed directly to: leadership in administration; moral of the teaching staff; support given to teachers in terms of resources and consultation; coordination among regular and special educators and pooling of expertise; training of staff and; most importantly, the sense that each child was the responsibility of the entire school.

You have said yourself, today, that South Burlington is doing a superlative job in creating flexible, innovative programs; we've heard the same about Cabot. Yet these schools are bound by the same regulations as other districts. Let's not make regulations the bogeyman.

This is not to say that regulatory reform and reduction in paperwork might not be warranted. But, to echo Marlene Burke's comments, let's look at each program and assess where reform is needed.

I am particularly concerned about waiver of regulations for programs for children with special needs, i.e., P.L. 94-142. My concerns are those expressed by Janet Jamieson and Marlene Burke. P.L. 94-142's mandates are almost entirely procedural. The only substantive mandate is that a handicapped child be provided with a free appropriate public education; the design of this education program is dictated by the child's needs, not by regulations. The rest of the regulations are almost entirely procedural; they protect parents' rights to be informed and involved in their child's education and to appeal educational decisions with which they disagree. To exempt a district from these regulations would be to leave these highly vulnerable children unprotected. Though the proposed legislation states that protections with respect to civil rights and the EHA will be upheld, it is difficult to envision what regulations could be waived while upholding the protections. This inherent tension has yet to be resolved.

Similarly, permitting consolidation of funds is an area of concern. There are historical reasons why P.L. 94-142 prohibits consolidation of funds. When schools were not required to target children with handicapping conditions, these students received minimal and, in may cases, no education at all. There are still many children, especially those with emotional and behavioral handicaps, who are excluded from schools. Many other children with disabilities, even with P.L. 94-142, are not receiving a free appropriate public education. Many school districts take their mission seriously and do an excellent job; others, however, still regard P.L. 94-142 as that new law that's trying to tell them what to do. I fear co-mingling it would allow the latter to let students with handicaps sink to the bottom while the funds are used for other purposes. If my perspective is somewhat jaundiced, perhaps it has been colored by what the Law Project has encountered in its practice over the past 13 years.

When districts are chosen to participate, one of the criteria should be that they are in substantial compliance with the laws and regulations of federally funded educational programs. Educational performance agreements should not be a way out of regulatory compliance for districts who have been non-compliant in the past.

In evaluating educational performance, it is important to look at performance of individuals and of different sub-groups, not just overall increase in educational performance. Increased performance by one group could bring up averages, even while performance of another group was declining. Again, my concern is that if one looks at overall performance for a district, e.g., average reading and math levels, drop out rates, etc., the overall performance could go up while students with severe handicaps were being neglected.

Assessment of districts should not be performed by the local educational agency. Self-assessment is not appropriate for a demonstration project with potential implication for the national delivery system of educational services. Assessment should be conducted initially by state and then by federal educational agencies to evaluate the local district's progress toward achieving its goal.

The discussion generated by your proposal is healthy. It has been almost 15 years since P.L. 94-142 went into effect and it is certainly time to look at its strengths and where it can be improved. However, this could best be achieved by addressing possible reform of P.L. 94-142 directly, rather than be exempting a handful of districts from its regulatory mandates.

Finally, there is no substitute for affording teachers the kind of training and resources they require to address the broad spectrum of student needs. As professionals they must have support to deal with the enormous task of addressing the needs of each of our nation's children. The work of Vermont's Special Commission on Special Education and recent Vermont legislation have taken a strong stand to ensure that our teachers are equipped to deal with the variety of educational needs encountered in the classroom.

Mr. **Poshard**. Thank you, Ms. Dickson. Peter.

Mr. **Smith**. Judy, I want to thank you for your testimony. And Joan and Rich, you both also.

This may shock you, but I actually agree with what you are saying. You know, when Marlene and Janet were talking earlier, their concerns and your concerns are absolutely the right ones. My position on this is that we are not going to go ahead with the bill, and we will never get the bill to go anywhere, and I do not think that we would take it anywhere, until we have people who reasonably are persuaded that not only are our intentions are good but that in fact the way, that the way that the language of this bill can be interpreted around the country and in courts of law is going to hold up for children and their rights.

And I do not think that we are far apart. Because in the end we want to be in the same place. And where the gap still exists is how to make sure that the language and the structure of this bill does what we intend. So the gap is not between you and me, or Marlene and me, or Janet and me or anybody, but it is making sure that we have one focus and not double images that it can be assessed differently in North Dakota than Vermont.

And so counter that or having said that, all I would say and the reason that I appreciate your willingness to come here, because we have worked hard and all of you have worked hard on that, and you all have got other things that you do for a living and I know that. But unless we put the idea out on the table and allow people to poke it and be worried about it. You know, when somebody comes in and says I am very concerned about it, I say you ought to be and I am too.

But if we allow our concern, our sense of concern, to prohibit us or frighten us from asking the questions and trying to find the answers, then in fact that is a failure collectively of leadership. And so I think that you have accepted and understood the spirit in which we are trying to not only educate each other but find language which reflects the commonest of the nature of what we want, and I appreciate your care in that.

Because this is not intended in any regard to reform Public Law 94-142, or Chapter 1, or anything else. And it is so interesting, because we are left with inference, and we are left with the meaning that we make of things both legally and personally.

And I guess that the one thing that I want to assure you is that districts will not apply for waivers and it will not be piecemeal, but districts will make proposals for how they would like to do business differently and those proposals will be evaluated. And to the extent that those proposals are found to be appropriate in terms of the law, and in terms of children's education, and in terms of the research, they will then be approved or modified and approved and the districts will proceed.

The fundamental difference about waivers, or deregulation, or bloc granting, or any of the things that have happened before with what I think would be charitable to say mixed results at best is that they are preempted and they assume things. This legislation does not assume anything, I mean in terms of what the proposals will look like. And it does not assume any waiver piecemeal or wholesale.

It assumes only that if we encourage school districts, and parents, and teachers, or schools, and parents, and teachers in a limited number of cases to make some proposals that they think will work for their children better than what has been happening, and that they are willing to stipulate that and write it down, that that in turn with the approval of the appropriate authorities would become a way that they should be encouraged to do business for a limited period of time to see what happens.

And again and again, if we need to make the language clearer, we will keep working on it. Because there is nothing in this as I understand it structurally today and I know as we intended that would allow a preemptive waiver of anything. And that is not the business that Glenn, or I, or the other sponsors of this bill has, and I know that it is not what the NGA has in mind, and I know that it is not what the White House has in mind, and I know that it is not what Albert Shanker and the AFT or the other people who support this bill have in mind.

And so we have just got to stay at it until we have got it in a way that gives people confidence to honestly change being the way that it is. If we could write this bill so that there was no anxiety, I suspect that then we would have then written a bill that was not worth doing. Because by its very nature that when you trade what you know no matter how frustrating it is for you from what you either do not know, or only marginally know, or are not used to that that is unsettling. It is to me anyway.

And I just went through a year and a half of moving and living in a new community and doing all sorts of things that have been very unsettling and anxiety inducing. I mean that is really a long winded way of thanking the three of you, and assuring you that our commitment is to make sure that we get this right. And I am just sorry that Marlene and Janet had to leave, because I think that their testimony was incredibly important. Those are the concerns. And until we get it right, we are not going ahead.

And at the same time, I do not think that we would be doing our job if we did not continue to try to encourage people to think differently about their schools, and especially about the role that professionals have to play in the creation of teachers especially and parents have to play in the creation of what we live with and the consequences of what we live with. And I appreciate the substance of what you are saying.

Mr. **Poshard**. It is certainly an issue worth debating. I think that you would agree on that. And I do not think that there is probably any state in the union that has a stronger special needs lobby than the State of Illinois. And believe me, I hear from those folks also.

Mr. **Smith**. Unless it is Vermont.

Mr. **Poshard**. And Vermont. But certainly I would suggest and even advocate that the lobbying efforts be just as strong with the bureaucracy in terms of writing the rules and regs as they would be with the Congress in terms of seeing that all of those civil rights and so on are kept in place.

I do not want any of you to feel that we are trying to make rules and regulations the bogey man, because we are not advocating that. I know probably as well as anyone else that increased communication, getting parental involvement, showing some leadership in the school district, that all of these things are really change agents more than the rules and regs. But we have to do what we can do within the realm that we influence.

And we cannot sit in Congress and mandate that people communicate with each other in the local district or any of those things that you mentioned that are more important than this probably. But within what we can do, we at least need to open the debate and see if it can be made better, and I think that that is our intent.

Ms. DICKSON. Just to respond to that. I hope that you did not hear in my comments that I do not think that it is important to have this debate.

Mr. POSHARD. No, not at all.

Ms. DICKSON. It is important to be reassessing constantly how we are doing things. I think that is very important. On the other hand, I guess that I feel very strongly that if we are going to do something, let us do something that really is going to make a difference and not just be something to pacify certain segments.

Mr. POSHARD. You know, as an administrator I increasingly found that people who work with special needs populations, for instance, isolate themselves from the rest of the school district, and the school district isolates themselves. And I feel that this bill may lead to some greater communication.

I would love for all of the so-called regular classroom teachers to be sitting down once a week with the special education teachers and having some broader understanding of what these children and these teachers go through and what their needs are, but we do not have that. It seems to me that communication-wise we are getting farther apart. And I see this as maybe opening up some bridge or linkage between what are becoming two separate communities in our school districts.

Ms. DICKSON. Mr. Villa is too modest to blow his own horn, so we will blow it for him. And there are other districts in Vermont where that is done, where teachers meet not weekly around children, they meet daily. And they meet not only formally, but informally. Those are the districts where it is really working.

Mr. POSHARD. It is not happening all over the country. I can tell you that.

Mr. VILLA. I know that. We are fortunate in that there have been organizational things that have gone into places that have allowed that. All of our teachers share one job description. Regardless if you are labeled as a special educator or a regular educator. Our service delivery model is very much in class so that it is an ongoing daily experience. The teachers share responsibility for educating all children.

You will see special educators and compensatory education and regular classroom teachers working together in those classroom settings.

Mr. SMITH. You were not here in the beginning, but I will tell you that what the Commissioner said in leading off, he did many things, most of which I think you heard at other times, but he said we are looking, and he said it in a way that I have heard before. He said, "We are looking for local champions." And the model of change that we are talking about here, conceived of in this legislation, is that we would find the places where it is working, where with a few more changes, it could work a lot better. And encouraging them, we will be able to create examples of what responsible professional and legal behavior ought to be and move it out from there.

If this were a blanket program, it would be the equivalent of dropping a hand-grenade in a ping-pong ball factory. It just would not be good.

And, candidly, we have always intended that we would narrow its scope. We always thought it was something we would want to negotiate and, indeed, we did. We did not want to give it all away the first time. And so I think you bring Rich up and so I say here we have, and I think that the examples of the program that we had, the previously panel, we have local champions. And we have a whole bunch of other local champions who did not get the money.

So, it is really an attempt to skim good practice, to exemplify it, to fill it out and then to say, "What does that tell us about how we can allow local schools and local communities working together to reinvent themselves."

Mr. **Villa**. We need to be self-conscious of where we have come and the hard work that has gone into place to put the assurances in place. But we still have to be focused on where it is we need to go because we are not meeting the needs of students. In special education, they are not meeting the needs of students. In general education and we have to be very honest about what it is we have accomplished thus far.

Mr. **Smith**. Parenthetically, I would tell you, once again, an absolutely fair concern, until we get it in a way that gives people confidence, again, it is not going to proceed. There is no language in this bill as we have written it and as we understand it that would allow any categorical money to be spent on children who are not involved or appraised in that category. I mean there just is not.

We intend that money might follow kids and we allow that other kinds of things might happen. But I had somebody come into my office and say, "You would use English as a second language money to teach vocational education." I said, "No." It cannot happen. I think we have got that language very strict. And in the end, the beauty of the local proposal is that the school district, the proposing professionals have to be explicit up front about what they are going to do. And if anybody feels in an auditing way that legal or other boundaries are being transgressed, the proposal obviously does not go. So, we like to think we have got the safeguards at every step of the way and until we get them to the point where people feel confident——

Ms. **Sylvester**. I think just reading the bill and then trying to see how it is implemented because nobody knows what the modeling looks like can be frightening or scary to them.

Mr. **Poshard**. Sure.

Mr. **Smith**. Exactly. And our job is to say, "A fair concern. Let us stay at it until people do not have it anymore." And to me, the converse of that is that because we know there is that concern would be a terrible reason not to put the questions on the table because that is, in effect, what I think the government has done for far too long is to not ask the difficult questions and bring the people with the experience to the table to say, yes to this and no to that, and where are we? Because the gap is not in intention, it is in language. And we are going to fix it.

Mr. **Poshard**. We thank you for participating. We appreciate your testimony. I believe that is all the panels.

Mr. **Smith**. I know there are some people that want to talk to us. I know you folks have been here for most of the day. Do you have something to say?

Mr. **Poshard**. I am sorry.

Mr. **Smith**. We would be willing to give you ten minutes. We are going to leave at 2:00. I have at least one other thing I have got to do before I leave. We do need to get to a plane. So, we have got ten minutes.

Mr. **Poshard**. If you will all have seats and state your name and your organization if you represent an organization for the record.

Mr. **Smith**. And you should understand, I think, Congressman Poshard may be called out, but I will be back. I also meant to make sure that you knew you can get a full transcript.

Mr. **Van Buiten**. Is there a copy of the current bill available?

Mr. **Poshard**. We have a copy.

Mr. **Van Buiten**. The most recent version?

Mr. **Poshard**. I think this is a copy, H.R. 5390.

Mr. **Smith**. Testify as if what you have got is it, because the concerns will not change.

Mr. **Poshard**. Folks, because of time limitations, we have to leave here around 2:00. So, we have about 12 minutes. If you will state your name for the record and then we will go to each one of you individually for about three minutes.

Ms. **Dunham**. Bonnie Dunham from Merrimac, New Hampshire. I am a parent.

Mr. **Poshard**. All right.

Ms. **Patten**. Caryl Patten, Bedford, New Hampshire. I am a parent.

Mr. **Poshard**. Okay.

Mr. **Van Buiten**. Greg Van Buiten from Van Buiten & Helmuth, a law firm here in Burlington, Vermont.

Mr. **Poshard**. We will begin with you.

STATEMENT OF BONNIE DUNHAM, PARENT, MERRIMAC, NH

Ms. **Dunham**. I want to thank you for giving me the opportunity to speak here. I am the parent of two children, one of whom is 9 years old and has Down's Syndrome. His name is Sean. Sean is currently in the second grade all day with the support necessary to make that happen. And I am 100 percent satisfied with the way things are going and see no need for change.

Because of what I have learned from being Sean's mom and from my volunteer experiences, I have to say that the stated purpose of this bill which reads in part: "To permit the development of educational performance agreements between states and the secretary that will allow selected local education authorities to combine specified program funds and receive exemptions from corresponding Federal and state regulations," scares the living hell out of me.

These Federal state laws and regulations are the only guarantees that we have that my son and other children with educational handicaps will receive a free appropriate public education in the least restrictive environment.

This bill says that educational performance agreements will be based upon assurances provided by the state. I am unwilling to risk my son's education and, in fact, his very future on a handshaken assurance. I want guarantees. Sean needs guarantees.

Not too many years ago, the states assured parents of children with severe disabilities that the states knew what was best for these parents and their children. The states assured parents that their children could be better protected and cared for in a state-run safe and sheltered environment. Many parents placed their children in state institutions like New Hampshire's Laconia State School and Training Center only to find out later that their children were not better off. They were not given schooling or training. They were warehoused and sometimes abused.

I do not believe that with this bill we would go running back to mass institutionalization of children with disabilities, but I do believe that history could someday repeat itself in that we as parents cannot ever again be expected to settle for mere assurances and the good will of our states where our most precious resource, our children, are concerned.

One assurance in the bill is that nothing in the Act can be construed to remove, lessen or change the mandates and protections of the EHA and Federal laws regarding civil rights, discrimination, and safety. Then, what is the point?

You cannot combine the EHA with other laws, regulations or programs. You cannot alter its structure of function. You cannot reduce the paperwork which accompanies this law. You cannot set it aside for a model program in a model community without removing, lessening or changing its mandates and protections.

The EHA contains a carefully structured set of checks and balances which involve both parents and professionals in making decisions for children who have educational handicaps. If this system of checks and balances is upset, then I am not sure who will benefit. Will it be the parents whose rights to be involved have been diminished? No. The children who need the protections and safeguards of the EHA? No. The community which has just begun to benefit from the inclusion of these children with disabilities into its schools with the support of EHA? No. The professionals who have had clear rules and guidelines from the EHA to follow? I do not think so.

Then who?

If no one will benefit, then what is the point? You do not change something just for the sake of changing it. Children with educational handicaps have special needs and these needs can be met within the boundaries of the current EHA. It is not in the best interest of these children to toss them into a pool of children and programs with diverse needs and goals.

The ten Federal programs which this bill hopes to combine for funding and administrative purposes each exists for a specific reason and to serve children with specific needs. The EHA is designed to provide a free appropriate public education in the least restrictive environment to each individual student who has an educational handicap.

It respects that each child is an individual with unique needs. I believe that each of these 10 Federal programs, especially the EHA, should be recognized as being individual and unique in their own rights, goals and objectives in that to combine them would only serve to diminish their ability to do that for which they were designed.

I am in favor of more collaboration between regular and special education, but I see the EHA as it currently exists not as a barrier, but rather as a mechanism to increasing that collaboration, and I would hope that you would just kill this effort right where it starts.

Mr. POSHARD. Okay. Thank you.

Madam?

STATEMENT OF CARYL PATTEN, PARENT, BEDFORD, NH

Ms. PATTEN. I guess I will not read this whole thing, but I guess I would just to say that I would like to see parents really included in anything that you do. I also would like to see kids included. I find that I get my best information from kids, from what they are seeing at school and what they are feeling and what is happening to them at school. And I think that if somebody would just ask kids, they would get a whole lot more information about their needs and what is best for them.

[The prepared statement of Caryl Patten follows:]

Written Testimony - Public Hearing
So Burlington, Vermont
May 7 1990

May 14, 1990

U.S. Representative Peter Smith
Member, Committee on Education and Labor
U. S. House of Representatives
B-346C Rayburn House Office Building
Washington, D. C. 20515

Dear Congressman:

I would like to take this opportunity to thank you for your interest in education and the children of America.

My name is Caryl Patten and I live in Bedford, New Hampshire, and I am the parent of three Dyslexic children ages 13, 10, and 8. I also assist parents of handicapped children in working with school districts to obtain appropriate services for their handicapped children.

After having reviewed your Education Restructuring Bill and accompanying documents, I feel compelled to express the serious concerns I have regarding this proposed legislation as it relates to children with learning disabilities.

My first concern with this draft is about "innovative programs" and "school improvement models." I agree that education in America needs improvement, and that many students lack basic skills and information. Over the years, programs have been developed that do, in fact, remediate learning disabled students. These language-based programs address the needs of the total child and specifically focus on phonics, reading, written language, organizational and study skills, higher level thinking skills, and self-esteem. Despite the evidence to support proven programs effectiveness, most public school systems reject them. One such program called Project Read in Bloomington, Minnesota, addresses the needs of the bottom twenty-five percent of the population, and has been in operation for twenty years. This is a mainstream program, and it is being done within the constraints of current federal mandates. Why are we looking to continue experimenting with our children? What protection will these children have if these experimental programs fail? I see no provision for compensatory education. How will children be chosen for these experimental programs? To leave these decisions up to local working groups who may or may not have knowledge of learning disabilities is too chancey.

My second concern is in the area of "greater flexibility" and "granting exemptions." This should not be allowed. My experience as an advocate working with many school districts is that many continue to violate the provisions set down by the Education for the Handicapped Act and the Civil Rights Act. Even when it is brought to their attention, they choose to ignore it. Many professionals and parents worked hard to ensure the rights of these individuals. Any program that is truly meeting the needs of these individuals should have no problem following any of these mandates, because they are minimums and the stated goal of your bill is to help "local authorities develop proposals which enable students to achieve higher performance."

Thirdly, I foresee insurmountable problems and battles concerning the "authority to combine program funds" and including "Such other programs as may be appropriate." The programs listed in the legislation are all very separate and unrelated in many ways. Each has its own agenda and each will be lobbying for his share of available funds. Who will decide and how will it be decided what other programs may be appropriate to participate? The bill also talks about the state making available funds "as necessary" for the models. Who decides how much is necessary and how much is enough? In New Hampshire the state and many local school districts are making budgetary cuts knowing that they will be out of compliance with current regulations. A group of school boards are asking other school boards around the state to participate in a law suit over the lack of funding promised from previously-mandated programs.

The fouth concern that I have is in regard to "local performance agreement shall not be subject to exception or recovery, pursuant to audit, for failure to comply with the provisions of any law governing a program or funds combined under the agreement, other than a provision referred to in subsection (d)." It sounds to me like no one will be responsible for monies lost if the program should fail. Unfortunately, the innocent student will be the only one to pay the price. School districts will have nothing to lose - students may be lost forever; and what sort of compensatory education provisions will there be for them? School districts are constantly reminding me that Individual Education Plans are only good faith agreements and are not legal documents. I have yet to find a school district willing to guarantee in writing that even the brightest of learning disabled students will be literate by the time they graduate from high school. Imagine after twelve years of school, no one is willing to say that any of these kids will be able to read or write!

The fifth concern that I have is regarding "Independent Evaluation" and the statement that "the state will not require new or additional paper work" to monitor the projected gains described in these school improvement models. It appears that parents will be given a copy of the report but that their participation in the evaluation process has been overlooked. Again, parents will only be provided with the school district's version of how well the program is doing.

My last concern is "Assurances" and "Commitments." These words are used repeatedly throughout this piece of legislation, and I, for one, am opposed to swapping protections for assurances. To me, assurances mean promises; and if promises are broken or not kept, it is unfortunate, but nothing will happen to the school, the working groups, the states, or the federal government - only the kids. I would like to see protections continue so that the rights and protections of these students will not be lost.

I would like to encourage all of you to start by building a philosphy of education, teacher and administration training, examine existing methodologies and programs - many good school districts have been developing programs based on the unique individual needs of their students. Each one of my children has a substantially different program from the other, and they are learning to read, to write, and to become productive members of society. They are learning to access information; and the oldest one is moving into higher level thinking. They have good self-esteem, and understand that their learning style is different from most other kids. The professionals, not aides and volunteers, working with them are highly trained and encourage them to reach their maximum potential. I don't believe that schools, in most instances, do not know how to do the job, but for some reason, possibly finances, they choose not to do the job.

I would like to encourage you to talk to parents of children with disabilities and the children who are failing. I get a lot of my best information from the kids themselves. Most of them have a good idea where things are failing and falling apart for them, but no one asks or listens to them.

As parents and educators, we are still striving to learn how to utilize the Education for the Handicapped Act to provide an appropriate education for each child with a disability to be successful, productive adults. Until we can say we have tried to educate our children with disabilities according to the rules of the EHA, and it has failed, we have no business shelving this piece of legislation in favor of something different.

I would also like to add my concern over the "public hearing" held in South Burlington, Vermont on May 7, 1990. I was shocked to arrive (after driving three hours) to find, at a public hearing, that all the participants were invited guests. I was shocked to find that Mr. Smith and Mr. Poshard felt the local creamery and public service company had more valuable information to provide than the parents whose children this legislation would effect. Finally, in the end, when we were each given three minutes to speak, after most people had left, you didn't even have the courtesy to listen to our testimony. I think that this only further validates parents' concerns over what "benefits" there may be for any child.

If you, Congressman Smith, and Congressman Poshard really want to "do it until they get it right," then I would suggest that they drop the Education of the Handicapped Act from your proposed legislation. Parents of learning disabled children will fight any movement towards deregulation. Parents of learning disabled children will fight any movement to "experiment" with their children when proven programs already exist.

I am, again, requesting that your office notify me of any new drafts released concerning education reform and any public hearings to be held.

Sincerely,

Caryl A. Patten
6 Seabee Street
Bedford, NH 03102

Mr. **Poshard**. Okay. Sir?

STATEMENT OF GREG VAN BUITEN, ATTORNEY, BURLINGTON, VT

Mr. **Van Buiten**. Congressman, thank you. I do not have a prepared statement, but I would like to say a few things for the record. My name is Greg Van Buiten. I am with the law firm of Van Buiten & Helmuth here in Burlington, Vermont. Much of our practice is devoted to the representation of handicapped students and their parents.

I feel as some of the other people who have testified feel that there is no reason to eliminate Federal regulations which provide protection for handicapped students and their parents in order to improve the quality of education.

Obviously, improving quality of education is a laudable goal, but as I heard recently in testimony, removing those protections does not do that. And there is nothing inconsistent about maintaining those protections while looking for other ways to improve the quality of education.

I hear in the presentation of this bill something of a word game, with no disrespect intended, but the word game being that all the rights and protections of the EHA are going to remain in effect and, in fact, that is not the case, because the protections and the rights and the safeguards under the regulations promulgated under the EHA are susceptible to change or exemption or removal in this project. That is something that is not made clear when the bill is continually presented as one which will not abrogate any rights or protections. And the bill talks about protecting the mandates and protections of the Federal laws and the Education of the Handicapped Act regarding civil rights, discrimination and safety. However, it leaves out the fact that there is a comprehensive set of regulations under the EHA which will and probably is going to be done away with under that bill. And parents of handicapped children need to know that those regulations encompass very basic, very significant things like individual programs for the students, meetings with parents, reports and evaluations about the students, how progress is measured. All of those things are subject to elimination under this bill. So, I feel that efforts to improve the quality of education should be undertaken and pursued; however, the Federal statutes and the regulations in those statutes should be kept in place while we make these efforts.

Mr. **Poshard**. Thank you very much. Just let me say this, and I am sorry that our time is short.

Ms. **Dunham**. I am sorry I had to talk so fast.

Mr. **Poshard**. No. I am glad that you did. Having been a public school teacher before Public Law 94-142 came into existence, I am well aware of the concern that parents have over that particular law and that it not be abdicated in any way, because I saw the abuses in the public school systems of this country in regard to special needs populations. And I am well aware that parents are very concerned about that. And I could hear the anger in your voice as you were testifying about that. And rightly so.

Certainly, if I had a handicapped child, I would be very, very concerned that after having come all this way and after having seen the discriminatory practices in the school setting and now finally having a Federal law which insures that those things no longer be carried out, that somebody would be tampering with that and taking away some of the concerns that the districts now have for those special needs population. I do not, I honestly do not, know how to put it any more strongly than we have tried to put it. We have tried to draft language to again make it very clear that we are not in any way advocating even a reform of that law, certainly not exempting——

Ms. DUNHAM. Why do you not just take it out, then?

Mr. POSHARD. I am sorry?

Ms. DUNHAM. Why do you not just take it out then?

Mr. POSHARD. Take out the Public Law 94-142? Well, I guess because it is the slippery slope theory. If you are going to take Public Law 94-142 out, why do you not take the other Federal programs out, too.

Why is Public Law 94-142 left in is a question I have been asked probably a thousand times. But I guess our concern is that one program for a special needs population is as valuable as another. And it may very well be in the end that that is a consideration that will be employed. I just do not know.

We have talked to so many people about this and have not been given the opinion, at least by the legal people that we have talked to, that this bill in any way threatens Public Law 94-142's rules and regulations.

Maybe, again, if that is something in your judgment that is being threatened, that is something that we need to talk about and try to work out as we go through the process. We are not trying to create problems. That is not our intent at all. And we have tried to be very careful about the language so as to insure that that does not happen.

Obviously, it is a concern for a lot of people.

Mr. VAN BUITEN. Can I respond to what you have said?

Mr. POSHARD. Sure.

Mr. VAN BUITEN. It would be very simple to add a provision that none of the regulations—now, I am contrasting the statute, the EHA, with regulations.

Mr. POSHARD. Yes.

Mr. VAN BUITEN. That none of those regulations would be affected by this project. That is very simple to do. I do not understand how any lawyer or anyone looking at this with a legal analysis could say that the regulations are not going to be affected when in the purpose section of this handout, for example, it says that education authorities may receive exemptions from corresponding Federal and state laws and regulations. I mean, there is the concern right there. And then it is repeated three or four times elsewhere.

Mr. POSHARD. The regulations are developed solely in regard to the particular law to which the regulation addresses. And if that law does not change, then legally the regulation may be challenged, but we certainly do not see any way that the regulation which relates to the law would be changed.

Mr. VAN BUITEN. What you are saying, if I understand you correctly, and this is significant if it is what you are saying, is that when you say in your bill—and I know you do not have the current amendments today, but when you say that the EHA will not be in any way abrogated or lessened in its degree of protection, you are including in that statement, in the bill, the regulations under the EHA.

Mr. Poshard. Well, that is our assumption and, you know, if you are saying that we ought to have more specificity with regard to additional statements to refer to the regulations, then maybe that is an option for us to look at. We would have to confer with staff. We have not been told that that is needed at this point in time.

Mr. Van Buiten. I think it is very much needed. That is my opinion.

Mr. Poshard. We will certainly take that into consideration.

Mr. Weiss. Greg, and you two nice folks from New Hampshire, thank you for being here.

Congressman, we thank you very much for your support.

Mr. Poshard. Okay. Let me read here before we end. I know we have to get to the airport. The record will be open for 10 working days if you want to submit written testimony. You can send that to the subcommittee. And this is the subcommittee's address: B346C Rayburn House Office Building, Washington, DC 20515.

Mr. Van Buiten. And, Congressman, for a copy of the transcript, where do we write?

Mr. Poshard. The same place. Okay?

Mr. Van Buiten. And for a copy of the current bill?

Mr. Smith. I will send you one.

Ms. Patten. Could we also ask you if you hold another hearing how parents could be notified? We had several parents in New Hampshire that asked to be notified about this hearing, and they were not.

Mr. Poshard. Sure. Again, if you would contact Congressman Smith's office here.

Ms. Patten. We did that already.

Mr. Poshard. Okay, if another hearing is held, if you will leave your name with his office, he will make sure that you get that information to you.

Ms. Patten. But we did that already, and nobody ever called us.

Ms. Dunham. No.

Ms. Patten. We have many, many parents in New Hampshire who wanted to come today and because they were not told or we did not find out until 5:00 on Friday. As a matter of fact, when I called I was told that, yes, it was going to take place and it was going to be in Burlington, but they did not know where it was going to be or what time or nobody could give me any specific information.

Mr. Poshard. Okay. Then the staff can take names here and we will make sure that people get notified that want to be notified should any subsequent hearings be held for the public.

Mr. Van Buiten. Do you think there will be another one?

Mr. Poshard. We are not sure. That depends upon the Education and Labor Committee as a whole, not necessarily on the subcommittee, but we will certainly be in touch.

[Whereupon, at 2:01 p.m., the subcommittee adjourned.]

[Additional material submitted for the record follows.]

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May 14, 1990

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TESTIMONY: H.R. 3347 The Educational Performance Agreements For School Restructuring Act

Submitted in lieu of testimony on May 7, 1990, Chamberlain School, South Burlington, Vermont

Since 1982 Advocacy Associates of Northern New England has been carefully tracking the Administration in its deregulation efforts of The Education of All Handicapped Children Act (EAHCA) or PL 94-142. H.R. 3347, representing the most recent attempt, is the boldest since the Administration's failed attempt at repeal of PL 94-142 in 1982.

H.R. 3347 intends to provide State Departments of Education and local education agencies with a detour around the mandates of EAHCA. This Administrative direction was made clear in a report of the Presidential Task Force on Regulatory Relief for State and Local Governments chaired by then Vice-President Bush (1981). In its final report (1984) the Advisory Commission on Intergovernmental Relations (ACIR), (page 230) targeted EAHCA for both the "regulatory relief" and "substantive reform" encorporated in H.R. 3347.

The Administration also reveals that it considers children with disabilities, somehow defective. In 1989 President Bush enthusiastically endorsed the recommendations of the National Center On Education and The Economy in its report, "To Secure Our Future: The Federal Role in Education"(1988). The report refers to children entering kindergarten with handicaps as "damaged goods already marked for failure."

H.R. 3347's language is designed to deliberately obfuscate the intent of the Bill, deregulation of EAHCA, since outright deregulation would probably not be successful. Note:

"(3) LIMITATION

Nothing in this Act may be construed--(A) to authorize any changes in, substitutions for, or lessening of the mandates and protections of the Education of the Handicapped Act...and Federal laws and regulations regarding civil rights, discrimination, and safety, and procedural safeguards contained therein."

By assuring only civil rights/discrimination/safety and procedural safeguards (Subpart E) of EAHCA, H.R. 3347 subversively strikes Subpart C, which mandates the provision of IEP's. Peter Smith (R) of Vermont, chief sponsor of H.R. 3347 and vehicle for advancing the Administration's intent, sucessfully removes the heart of EHA/EAHCA, the provision of IEP's to children in need of special education. Additionally, if there are no IEP's then many of the assured "procedural safeguards" are moot. There will be no need for Notice, Evaluations, Meetings, IEP development and Placement decisions and especially, no need to involve parents.

The deceptive language used in H.R. 3347 "assurances", deliberately crafted to conspire with the Administration and its intent to remove parents from the educational process of handicapped children and close down "special" education, virtually shouts to those who understand what has been deleted, but goes undetected by trusting parents or the uninformed. If the purpose of H.R. 3347 was merely to "waive" regulations governing funding, as Mr. Smith suggests, than that purpose is not made clear in the language of the Bill

It is also important to record that the civil rights H.R. 3347 "assures" are still not available in the states today. Here are three examples. Maryland, at the doorway of the Capitol, disavows a need to acknowledge The Rehabilitation Act of 1973,(RHA) or Section 504. it's refusual is the subject of a formal complaint. Mississippi refuses recognition of Section 504 and is subject of a similar complaint. Both complaints are known to the U.S. Department of Education and the Department of Justice, Office For Civil Rights. Both complaints remain unresolved. Both states continue to receive federal funds under PL 94-142 although the Congress forbade the flow through of funds to states that failed to assure the civil rights of handicapped children accruing under Section 504.

In Vermont, Administrative Hearings under Section 504 were not acknowledged until 1989. They were announced as availabale only after pressure from the legal community. Additionally, parents in Vermont are still not provided knowledge of

Section 504. There is no mention of Section 504 in "parental rights" (State and U.S. Department of Education approved form). The Act and its safeguards are not made known prior to the referral process for EAHCA inclusion. As a result, children continue to be routinely denied the less stigmatizing civil rights protections and provisions of Section 504. The Office For Civil Rights has stated that provision of EHA "parental rights",in and of themselves, are insufficient to meet the Notice requirements of Section 504. Only parents who have access to an (independent) educational advocate or attorney are aware that Section 504 exists and that its protections govern recognition PRIOR to EHA recognition as well as DURING EHA inclusion.

That the above situations exist, and undoubtedly many others, reflects the Administration's policy concerning access to civil rights under Section 504 and enforcement. In the same ACIR 1984 report cited above the Rehabilitation Act of 1973, Section 504 is also listed as needing "regulatory relief"and "substantive reform" (page 230). Reauthorization of Section 504 is scheduled for 1991, on the heels of the "regulatory relief" and "substantive reform" provided sub rosa in H.R. 3347. The Administration's well planned and executed conspiracy against children it characterizes as "damaged goods doomed to failure" moves along like clock work.

While H.R.3347 represents one piece of the Administration's total restructuring movement, inclusive of deregulation of EHA/EAHCA, there are others pieces that need to be examined together with this Bill that affect both the handicapped and non-handicapped populations. The Administration's promotion of "Choice" or"

Voucher" systems are expected to deflect those families who can financially afford "choice" from attendance at and support of the public school system. Application of this "market place" competition theory may well back fire, leaving the minorities, the disadvantaged and the handicapped ("mainstreamed") as comprising the greatest share of the public school population.

Many teachers will flee unsupported public schools and enter private systems. The NEA and AFT teacher unions will be rendered impotent, which many consider the Administration's desired by-product of "choice". Certification standards will continue to be relaxed even more as the supply of teachers shrinks. Public school teachers will not need to be state certified teachers but will be recrutied increasingly from other careers or occupations. With the Regular Education Initiative in place (pre EHA days) "special" educators will become an endangered species. High drop out rates will dramatically fall under the new "transition" thrust outlined in the House substitute Bill to H.R. 1013. A process promoting the release of students 14 years or younger from required school attendance is advanced, and the apprenticing of these students to local industry is encouraged. Literacy problems will be solved since bright but functionally illiterate students are elilgible for this "opportunity", truncating any expectation that they should gain access to the "equal opportunity" offered non-handicapped peers. Funding for this new transition policy is limited to start-up funds.

The dark side of the Administration's "restructuring" of public education, becomes more distinguishable when all facets are viewed together and not as pieces in seperate legislative "reforms".

Parents of handicapped children must look to the Congress for continued protection and in so doing, urge that H.R. 3347 be withdrawn and that no similar substitute be tolerated. Rather, we urge support for H.R. 3860 which would require the U.S. Department of Education to identify and study the impact of state and federal regulations established since 1980 and to provide the data the Congress needs to determine if indeed the "regulatory burdens" HR 3347 seeks to relieve, are not those due largely to state, rather than federal mandates and that the "substantive reform" projected as imperative by the Administration is not unjustly demanded. If adequate funding had not been witheld by the Administration since fiscal year 1980, if the monitoring of states had resembled the expectations Congress designed in EAHCA, perhaps we would not be juggling the fiscal problems we face in special education today. There has been no accountability from the special educational industry to date. It is time to call for the accounting through H.R. 3860 and before the Administration is allowed to deregulate EAHCA and Section 504.

We appreciate the opportunity to submit our thoughts to the committee on H.R 3347.

Fran Rice, Advocacy Associates of Northern New England

Fran Rice